



Crl.OP.No.12865 of 2023

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 12 r/w 11(vi) of the Protection of Children from Sexual Offences Act, 2012 and 354 D and 506(i) of IPC in Crime No.241 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Shakila is that on 22.05.2023 while the defacto complainant's daughter was going to MBF Thoppu, the accused had compelled her to take the mobile phone and threatened her if she does not received the mobile phone, he would pour acid on her face. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and the petitioner and the victim girl are aged about 17 years and both of them are close friends for a long time and the parents of the victim are against the love affair and compelled the victim to give a false complaint against him. He would further submit that the photographs taken by the petitioner and the victim girl would go to show that they are in relationship and thereby he would seek for anticipatory bail.



WEB COPY



4. The learned Government Advocate (Crl.Side) would submit that the petitioner had compelled the defacto complainant's daughter to receive the mobile phone from him and when she had refused to receive the same, he had threatened to spill acid on her face and thereby he would object to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR and the statement of the victim girl recorded under Section 164 of Cr.P.C.

6. Taking in to consideration the facts and the circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Kudiyatham* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties each for a like sum to the satisfaction of the respondent/Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall



stand dismissed and on further condition that :

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, Chennai every day at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] Breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Vv

23.06.2023



WEB COPY



Crl.OP.No.12865 of 2---

A.D.JAGADISH CHANDIRA, J.

Vv

Crl.OP.No.12865 of 2023

23.06.2023