



WEB COPY



Crl.O.P.No.13089 of 2023

Crl.O.P.No.13089 of 2023

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 9(f)(l)(m) read with 10 and Section 11(i) read with 12 of the POCSO Act 2012 in Crime No. 145 of 2023 seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Kumaran is that his minor daughter was studying in Matriculation School and when she went to office room to fetch water for her class teacher, A1- had improperly touched and misbehaved with her minor daughter. When the abovesaid act of A1 had informed to the Headmistress of the school, who is the petitioner herein, she had refused to take action against A1 and she asked her minor daughter to adjust with A1. Hence the complaint.



Crl.O.P.No.13089 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The main allegations are attributed only as against A1, who is stated to have improperly touched and misbehaved with the minor victim girl. He further submitted that the arrested accused has been enlarged on bail. The only allegation as against the petitioner is that despite receiving the information, she has not taken any action as against the accused. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner is the Headmistress of the school, in which the victim girl was studying. One Alwin/A1 who is working as teacher in the school has misbehaved with the victim girl. Despite receiving the information, the petitioner has refused to take action against A1. He further submitted that statement has also been recorded from the victim girl under Section 164 Cr.P.C., Hence, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.13089 of 2023

WEB COPY

5. Heard both sides and perused the materials available on record including the FIR and the statement recorded under Section 164 Cr.P.C.,

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7 . Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Mahila Judge (Fast Track Court), Tiruvallur** 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 :



CrI.O.P.No.13089 of 2023

[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 report before the respondent Police every day at 6.30 p.m., for a period of two weeks and thereafter every Saturday at 10.30 am., 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



Crl.O.P.No.13089 of 2023

WEB COPY

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

8. Accordingly, the Criminal Original Petition is ordered.

13.06.2023

mfa



WEB COPY



Crl.O.P.No.13089 of 2023

A.D.JAGADISH CHANDIRA, J.

mfa

Crl.O.P.No.13089 of 2023

13.06.2023