



Crl.O.P.No.15205 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 9 (f), 9 (m), 10 of POCSO Act @ to Sections 5 (f), 5(m), 6, 21 of POCSO Act & 5 of TNPWH Act r/w 75 of Juvenal Justice Act, in Crime No.6 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner has been falsely implicated in crime No.6 of 2023, registered for the offences under Sections 9 (f), 9 (m), 10 of POCSO Act, later altered to Sections 5 (f), 5(m), 6, 21 of POCSO act & 5 of TNPWH Act r/w 75 of Juvenal Justice Act. Petitioner has no connection whatsoever with the alleged sexual assault committed on the victim child. He further submitted that second accused was granted anticipatory bail in Crl.O.P.No.11099 of 2023 dated 09.06.2023 and prayed for anticipatory bail for the petitioner.



CrI.O.P.No.15205 of 2023

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3. In response, the learned Government Advocate (CrI.Side) opposed this petition and submitted that the first accused was detained under the Goondas Act. Victim child's statement under Section 164 Cr.P.C. was recorded and medical examination was over.

4. Reading of Section 164 Cr.P.C. statement of the victim child shows that the child had informed the alleged sexual assault committed against her to Eetha Miss (Geetha Miss). Nothing incriminating was stated about this petitioner in Section 164 Cr.P.C. statement. In the said circumstances, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 Special Court for Exclusive Trial of POCSO Act Cases, Cuddalore**, on condition that the petitioner shall execute a bond for a sum of



Crl.O.P.No.15205 of 2023

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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 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 everyday 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] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance



Crl.O.P.No.15205 of 2023

with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.07.2023

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Crl.O.P.No.15205 of 2023

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Crl.O.P.No.15205 of 2023

07.07.2023