



Crl.O.P.No.15654 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5 (m), 6, 16, 17 & 21 (1) of POCSO Act, in Crime No.28 of 2023, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that petitioners are implicated as accused in Crime No.28 of 2023, under Sections 5 (m), 6, 16, 17 & 21 (1) of POCSO Act, for the reason that they conducted panchayat in a dispute between defacto complainant and the accused in connection with the allegation of sexual harassment made by the first accused against the victim girl. They are no way involved in the alleged sexual harassment under the POCSO Act, thus this petition.

3.In response, the learned Government Advocate (Crl.Side) submitted that on 13.05.2023, at about 17 hours, first accused had lifted the victim girl for taking pen from the loft. The victim girl had informed her grandmother about this. Thereafter, defacto complainant invited



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petitioners for convening a grama panchayat.

4.It is seen from Section 164 Cr.P.C statement of the victim girls that they have not stated that the accused had lifted any one of them for taking the pen from the loft. Be that as it may, the allegations as against the petitioners is for conducting grama panchayat at the instance of the defacto complainant. In the said circumstances, this Court is of the view that custodial interrogation of the petitioners is not necessary and this Court is inclined to grant anticipatory bail to the petitioners and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Sessions Judge, Mahila Court, Perambalur**, on condition that petitioners shall execute separate 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:



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[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance 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.

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