



Crl.O.P.No.15833 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, S.Sharmila, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 9 (f)(l)(m) r/w 10 and Section 11 (i) r/w 12 of POCSO Act, in Crime No.145 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 is the third accused in this case. First and second accused had been granted bail/anticipatory bail. The allegations against this petitioner and second accused are similar in nature. Defacto complainant has given a false complainant for the reason that he had demanded transfer certificate during the middle of the year and the same was refused. Therefore, a false complaint was given.

3.In response, the learned Government Advocate (Crl.Side) opposed this petition and submitted that petitioner was a teacher in the School. She used to send the victim girl to the staff room, where, the first accused indulged in sexual harassment. When this came to the notice of



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the petitioner, she said to have informed the victim to adjust with the first accused for the reason that he is going to get married soon.

4.Considered the rival submissions. It is seen from Section 164 Cr.P.C. statement of the victim girl that petitioner used to send victim girl to the staff room to fetch water, where the first accused had sexually abused her. As rightly informed by the learned Government Advocate (Crl.Side), when the victim girl informed the petitioner that the first accused abused her, petitioner said to have told the victim girl to adjust with him for the reason that in one months time, first accused is going to get married soon.

5.In the case before hand, first accused was arrested and released on bail. Second accused in this case was granted anticipatory bail. Petitioner herein is also similarly placed like the second accused. Section 164 Cr.P.C. statement of the victim girl is also recorded. It is informed by the learned Government Advocate (Crl.Side) on instructions from Ms.Kannagi, Inspector of Police, that the parents of the victim girl



refused to subject the victim girl for medical examination.

6. Considering the facts and circumstances of the case and that the other accused had been granted bail/anticipatory bail, 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. Therefore, 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, Tiruvallur**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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.



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[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 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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