



Crl.O.P.No.18037 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 7 and 8 of POCSO Act r/w Section 506(i) of IPC, in Crime No.12 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Mala is that the accused has misbehaved with her daughter in the petrol bunk, where the victim was working. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner, who is a petrol bunk owner, is an innocent person and prior to the date of occurrence, there was a shortage of amount in the sale of petroleum product, for which, the victim girl through her mother, has given this false complaint against the petitioner. He would further that the petitioner, understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, she has not made any



CrI.O.P.No.18037 of 2023

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allegation of sexual assault against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner has misbehaved with the daughter of the defacto complainant in the petrol bunk where she was working. He would further submit that the Statement of the victim girl has also been recorded under Section 164 Cr.P.C.

5.Heard the learned Counsel for the petitioner and the learned Government Advocate (CrI.side) and perused the materials available on record including the Statement recorded from the victim girl under Section 164 Cr.P.C.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the Statement recorded under Section 164 Cr.P.C., this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail



Crl.O.P.No.18037 of 2023

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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 Mahila Judge, Thiruvallur**, 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 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., for a period of four weeks and thereafter, as and when required for interrogation;**

[c] **the petitioner shall co-operate for investigation and also submit himself for any examination, if the investigating officer requires.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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Crl.O.P.No.18037 of 2023

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

17.08.2023

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RMT.TEEKAA RAMAN, J.



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Crl.O.P.No.18037 of 2023

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Crl.O.P.No.18037 of 2023

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