



Crl.O.P.No.19538 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, 8 and 21(2) of the Protection of Child from Sexual Offences Act, 2012 in Crime No.652 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the Defacto Complainant doing Nursing Course and took training at Sugan Suga Hospital, on 19.07.2023, the first Accused tried to misbehave with her, when he informed about the same to the Petitioner. He has not taken any action in this issue. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. The Petitioner has been wrongly implicated in this case, for failing to report the commission of offence. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent is vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by



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the learned counsel on either sides and after perusing the statement of the victim girl recorded under Section 164 of Cr.P.C., I am 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Judge, Special Court for Protection of Child from Sexual Offences Act, Tirupur** on condition that the Petitioner shall execute a 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:

[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, on everyday at 10.30 am for a period of three weeks and thereafter as and when required;**

[c] the Petitioner shall not tamper with evidence or



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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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

31.08.2023

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