



Crl.O.P.No.20359 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 8 and 17 of the (POCSO) Protection of Child from Sexual Offences Act, 2012, in Crime No. 17 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the Science Teacher and the PT Teacher, who are working in the Gudiyatham Nadupettai Girls Higher Secondary School, Vellore, are said to have sexually harassed the girl students studying in the said School. This petitioner, who is an Assistant Headmistress of the same School is said to have abetted the above said accused to involve in the offence of sexual harassment with the students at the School. Hence, the complaint has been lodged by the District Child Welfare Officer.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely



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oped in this case. He would further submit that the petitioner has nothing to do with the alleged offence committed by A1 and A2 and she is ready to co-operate with the investigation. He would also submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that there are totally three accused in this case in which, the petitioner is arrayed as A3. He would further submit that A1 and A2 are working as Teachers in Gudiyatham Nadupettai Girls Higher Secondary School, Vellore, and the petitioner is working as Assistant Headmistress in the same School. The said A1 and A2 with the help of this petitioner, sexually harassed the girl students studying in the said School. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances and taking into consideration the fact that there is no specific overt act against this



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petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 **POCSO Court, Gudiyatham**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 every Monday and Saturday at 10.30 a.m., until further orders.



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[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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