



Crl.O.P.No.23943 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.215 of 2023, registered under Sections 11 (1), 12 of Protection of Child from Sexual Offences Act, 2012, r/w Section 294 (b) and 506 (1) IPC.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) on behalf of the respondent.

3.It is stated that there are four accused in this case and they had committed the offences stated on the victim child, who is studying in 11th standard. Though in the petition, the name of the School where the victim child is studying was mentioned, very significantly, the name of the College where the petitioner is studying was not disclosed. In the affidavit filed, it had been stated that the petitioner is studying 2nd year B.E. (Mechanical) in Mahendra College of Engineering, Minnampalli, Salem. The statement of the victim child recorded under Section 164 (5) Cr.P.C. has been produced by the learned Government Advocate (Crl.Side) appearing on behalf of the respondent.



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4. Taking all the facts into consideration and that some of the other accused had been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate, Pappireddipatti, Dharmapuri**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each (**out of which, one surety should be the mother or father of the petitioner herein**) 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, daily morning at 10.00 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;

6.The fact that the petitioner is an accused in Crime No.215 of 2023 under Sections 11 (1), 12 of Protection of Child from Sexual Offences



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Act, 2012, r/w Section 294 (b) and 506 (1) IPC should be registered in the College records of the petitioner herein and should be reflected in any certificate issued to the petitioner. Accordingly, this Criminal Original Petition is allowed.

02.11.2023

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