



Crl.O.P.No.32633 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 11(1) and 12 of POCSO Act, in Crime No.13 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Manjula is that she is a widow and she is engaged as coolie. The further allegation is that she has six children (five daughters and one son). The defacto complainant's third daughter was studying eighth standard. While so, the accused namely Gajendran, Vallarasu and Vijay, who were residing near the house of the defacto complainant used to tease and call her daughter to share bed and get money from them. The said Gajendran stood nude in front of her daughter and called her to share bed. The said Vallarasu and Vijay also used to call her daughter to share bed by saying that they will buy flowers to her and also teased and humiliated her. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against the petitioner due to the dispute regarding share of water. He would further submit that the petitioner is aged about 21 years and he has no previous case against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner, who is the neighbour of the defacto complainant, had stalked her daughter/victim girl while she went to the shop and called the victim girl to share bed. The learned counsel further submitted that the investigation is completed and also charge sheet filed.

5. Considering the facts and circumstances of the case, investigation has been completed and charge sheet also filed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Special POCSO Cases Court, Salem**, 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 is directed to report before the respondent police on every Sunday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

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

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



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[f] 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.01.2023

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