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Crl.O.P.No.12779 of 2024

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9(f) r/w 10 of POCSO Act, 2016 in Crime No.9 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 13.05.2024, the petitioner was posted as XI class English Examinations room supervisor at SKT Matriculation Higher Secondary School, at that time while writing exam the petitioner attempted to misbehave with the victim. Hence, the case.

3. The learned counsel for the petitioner submits that on that alleged day the petitioner was not allowed the students to malpractice in examinations. In order to wreak vengeance the victim filed this false complaint after two months. Prayed to allow this petition.

4. The learned Government Advocate (Crl. side) submits that on the alleged date the petitioner attempted to misbehave with the victim. Based on the complaint of Child welfare committee FIR was filed.



4. The allegation against the petitioner is that on the date of alleged occurrence, the petitioner was supervising the exam hall in which the victim had writing the examinations at that time he misbehaved with the victim. On seeing the facts of the case, the case was filed after two months of the alleged occurrence and also the investigation is almost completed. Further, petitioner is the Government employee hence there is no possibility for absconding. Hence, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Court, Salem**, 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:



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[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 respondent police as and when required for interrogation.

[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 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]**.

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

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