



CrI.O.P.No.14118 of 2024

CrI.O.P.No.14118 of 2024

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.33 of 2023, registered under Sections 9 (m) r/w 10 of the Protection of Children from Sexual offences Act, 2012, on the basis of a complaint given by the mother of the victim child. It is stated that the alleged offences had taken place on 20.08.2023.

2. It is the case of the prosecution that the victim child, who is aged just ten years and studying in a school, was called over by the petitioner herein by saying that he would give chocolate and he later committed the offences, which attracts Sections 9 (m) r/w 10 of the Protection of Children from Sexual offences Act, 2012.

3. It is the contention of the learned counsel appearing for the petitioner herein that the petitioner is a Senior Citizen of advanced age and has serious medical ailments, which prevented him from working.

4. The earlier application seeking Anticipatory Bail had been



Crl.O.P.No.14118 of 2024

dismissed by this Court on 17.11.2023 in Crl. O.P. No.21280 of 2023. A counter had been filed by the respondent, wherein it had been stated that during the course of investigation, the statement of 9 witnesses had been recorded, including that of the victim child. It is also stated that the petitioner is now hospitalized in Kamala Hospital, Salem from 25.04.2024.

5. Taking into consideration that fact and the fact that there has been substantial progress in investigation, anticipatory bail is granted to the petitioner with certain conditions.

6. 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 Sessions Judge, Fast Track Mahila Court, 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 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:



Crl.O.P.No.14118 of 2024

[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] after the period of hospitalization, the petitioner must report before the respondent police everyday at 10.30 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]**.*



WEB COPY



Crl.O.P.No.14118 of 2024

C.V.KARTHIKEYAN,J.

gsa

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

03.07.2024

gsa

Crl.O.P.No.14118 of 2024