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Crl.O.P.No.19940 of 2024

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P.DHANABAL,J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 75, 77 351(2) of BNS Act Section 11(1) and 12 of POCSO Act in Crime No.21 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had taken a photograph of the defacto complainant's minor daughter and also using filthy language against her. Hence, the case,

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He also submits that the petitioner is the brother of the prime accused and he was not present at the scene of occurrence. He is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the brother of the petitioner is the prime accused and he has taken photographs of the defacto complainant's daughter and threatened her. He further submits that the A1 was remanded to judicial custody and he is still in prison. He further states that statement of the victim girl and her mother were recorded under Section 183 of BNSS. However, he strongly opposed for the grant of anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record including the statement of the victim girl and her mother recorded under Section 183 of BNSS.

6. Considering the submissions made by the learned counsel on either side and considering the statement of the victim girl recorded under Section 183 of BNSS and also taking into fact that the petitioner was not present at the scene of occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Vellore** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the learned **Special Court for Exclusive Trial of Cases under POCSO Act, Vellore** on every Saturday at 10.30 a.m., for a period of eight weeks.

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

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

[d] 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



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[(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.08.2024

Vv

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20.08.2024