



Crl. O.P. No.21293 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused No.2 who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 323, 354(B), 355 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act @ Sections 294(b), 323, 354(B), 355 of IPC and Section 11 and 12 of POCSO Act, 2012 in connection with the Cr. No.419 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the 1st accused, after her husband's death, is living with the petitioner and when the victim girl and her sister, went to the house of the 1st accused seeking to handover the property of their father and also sought to handover the amount awarded in M.C.O.P. case for the death of their father, the petitioner scolded the victim girl in filthy and unparliamentary words besides triggering turmoil by showing his private parts to the victim girl and also gave life threat. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that he has been arrayed as 2nd accused in this case and he has not committed any offence as alleged in the FIR and he is ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioner.



Crl. O.P. No.21293 of 2024

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that A1 is the mother of the victim girl and A1, having love affair with A2, is now living with A2, that A1's children are residing with their grand parents, that A2 abused the victim girl in unparliamentary words, misbehaved and gave a life threat. Hence he objected for the grant of anticipatory bail. Further he submitted that the main accused A1 was already released on anticipatory bail and the statement of the victim girl was recorded under Section 164(5) of Cr.P.C.

5. Heard both sides and perused the materials available on record.

6. Considering the arguments put forth on either side, considering the fact that the co-accused A1 was already released on anticipatory bail, that A1 is none other than the mother of the victim and there is a dispute between A1 and the victim in respect of sharing MCOP award, that already statement of the victim girl was recorded under Section 164(5) of Cr.P.C., that investigation was almost completed and that there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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



Crl. O.P. No.21293 of 2024

the date on which the order copy made ready, before the **Special POCSO**

Court, Tiruvannamalai on condition that the petitioners 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 Special POCSO Court, Tiruvannamalai on every working day at 10.30 a.m. for a period of 30 days.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 269 B.N.S.2023.



Crl. O.P. No.21293 of 2024

05.09.2024

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To

- 1.The Special POCSO Court, Tiruvannamalai
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Kadaladi Police Station, Tiruvannamalai.

P.DHANABAL,J
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