



CrI.O.P.No26406 of 2024

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P.DHANABAL,J.

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 6, 10 and 21 of POCSO Act, 2012 and under Section 75(2) and (3) and 251(b) of BNS in Crime No.116 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/accused /A3 herein has indulged in negotiation of terms of compromise and attempted to settle the dispute between the accused A1 and the defacto complainant's family. Hence, the defacto complainant lodged a complaint against A1 in which the petitioner was implicated by the respondent police without any connection.

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 further states that the prime accused is A1 and



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his son is A2. A1 is the landlord of the properties. Several tenants are lived in the said properties, among them one of the tenants is a defacto complainant. She had two children. When the defacto complainant's child/victim child aged about 7 years had played along with the another girl child in the landlord's house, at that time, the A1 who is aged about 68 years had committed aggravated penetrative sexual assault with the victim child. He further submits that the petitioner herein is a P.W.D Contractor. The defacto complainant's/father of the victim child was worked as his car driver and due to his unauthorized absence, the petitioner has terminated him in the month of April -2024. In order to wreak vengeance against the petitioner as he had terminated her husband from his served, the defacto complainant has falsely implicated in this case colluding with A1. He also submits that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner/accused knowing the full facts of the case from the parents of the victim had not reported the offence to police or



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any other authority and to screen the offender dishonestly negotiated with them and received some amount from A1 and A2 to settle the matter amicably. He further submits that the petitioner/A3 was acted as a Mediator between the prime accused/A1 and the defacto complainant's family. He further submits that the statement of the victim recorded under Section 164 of Cr.P.C. He further submits that A1 and A2 were arrested, A1 was still in judicial custody and A2 was released on bail. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Considering the nature of allegations levelled against the petitioner and he is acted only as a Mediator and there was no previous case against the petitioner and also the fact that the co-accused was released on bail and Section 164 of Cr.P.C statement of the victim child also recorded and considering all other aspects, this Court is inclined to grant anticipatory bail



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to the petitioner with certain 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 the date on which the order copy made ready, before the learned **Judicial Magistrate, Puducherry** 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 concerned POCSO Court on all working days at 10.30 a.m., until further orders.

[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



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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].

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

24.10.2024

Vv



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