



CrI.O.P.No.27700 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.35 of 2024 registered for the offence punishable under Sections 115(2), 75 of BNS and Sections 9(1) & 10 of Protection of Child from Sexual Offences Act, 2012, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He also submits that the petitioner is employed as Sweeper at the school and other than obeying the instructions of the Assistant Head Master of the said School, the petitioner has not done any offence. He also submits that the first accused/A1 has been arrested and he is in custody.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the de facto complainant's daughter and other girl child are studying in the Government School in his village, the Mathematics teacher, who is also a Head Master of the said school misbehaved with the girls by pulling their hair and humiliating them for



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carrying sanitary pads. He also submits that the petitioner on the instructions of the Head Master compelled them to sweep the class room and threatened them. He further submits that the statement under Section 164 of Cr.P.C., also recorded from the victim.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the statement of the victim girl recorded under Section 164 of Cr.P.C., this court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the Special POCSO Court, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent



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police every day at 05.30 p.m., for a period of two weeks and thereafter, on every Saturday 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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