



Crl.O.P.No.28184 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9(n), 9(l) r/w 10 of POCSO Act, in Crime No.13 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the grandfather of the victim girl, inappropriately touched the victim girl. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the grandfather of the victim and he has reprimanded the victim for speaking over mobile phone for longtime and she has given a false complaint alleging that the petitioner has misbehaved with her. He would further submit that even as per the statement of the victim, the alleged incident is said to have taken place two years earlier. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail, would submit that the petitioner had inappropriately touched her granddaughter. He would further submit that the statement of the victim under Section 183(5) of BNSS has been recorded. He would further submit that there is no previous case pending against the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record including the statement of the victim under Section 183(5) of BNSS, 2023.

6. Considering the facts and circumstances, the submissions made by the learned counsel on either side and also taking into consideration the fact that no previous case is pending against him, this Court is inclined to grant anticipatory bail with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***Judicial Magistrate Court – III, Coimbatore***, on condition that the petitioner shall execute a



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bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:

[b] the petitioner shall report before the respondent police daily at 10.30 a.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 BNS.

20.11.2024

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