



CrI.O.P.No.28703 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.18 of 2024 registered for the offence punishable under Sections 351(1), 9(1) of BNS r/w. Section 10 and 17 of POCSO 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 further submits that the petitioner is the mother of the de facto complainant, there has been a dispute between the petitioner and her husband, and they have been living separately for the past seven years. He also submits that the de facto complainant has now moved to her father's house, and, under his influence, has filed a false complaint. He further submits that in the statement recorded from the de facto complainant under Section 183(5) of BNSS, no allegations of sexual harassment, as mentioned in the FIR, have been made against A1.

3.The case of the prosecution as putforth by the learned Government



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Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the de facto complainant is a student, studying X standard. He further submits that the de facto complainant's mother separated from her father about seven years ago and was working at Auto Tech Company, where she became acquainted with A1. He further submits that in June, her mother met with an accident and A1 took care of her during that time. He further submits that on 18.08.2024, A1 misbehaved with the de facto complainant and when she reported this to her mother, the mother dismissed her concerns, as a result, the complainant left her mother and went to live with her father. He further submits that on 30.10.2024, her mother threatened her, insisting her to return home and warning her that she would ruin her life with A1. He further submits that the statement under Section 183(5) of BNSS also recorded from the de facto complainant.

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 183(5) of BNSS, 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



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his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Fast Track Mahila Court, Tiruvallur District 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 police every day at 05.30 p.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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]**;



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

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