



Crl.O.P.No.29296 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9(f), 9(m), 10 and 21(1) of the Prohibition of Children from Sexual Offences (POCSO) Act, 2012 in Crime No.41 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that her niece XXXX is aged about 7 years old was studying at ASIA Nursery and Primary School. The 1st accused, who was working as staff, had committed sexual assault on the victim girl. The other accused A2 and A3, who are the Head Mistress and Correspondent of the said School, have not informed the same to the police despite the complaint given by the parents of the victim girl. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner,



who is the Head Mistress of the School, was initially not aware of the incident and after coming to know of the incident, she had immediately dismissed the staff and also informed the family members of the victim girl. He would further submit that there is no specific allegation by the victim girl or her parents against the petitioner. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police, while opposing the grant of anticipatory bail to the petitioner, would submit that the petitioner is the Head Mistress of the School and despite the complaint given by the parents, she did not inform the police about the offence. He would further submit that the 1st accused was arrested and is still in custody.

5. Heard the learned Counsels and perused the materials placed on record.



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6. Taking into consideration of the facts and circumstances of this case, the main accused was arrested and still in custody, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Additional Mahila Court, Perambalur District**, on condition that the Petitioners shall execute a separate 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:

[a] the Petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;



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[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of one weeks and thereafter, 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.

22.11.2024

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