



Crl.O.P.No.631 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 7, 8 of POCSO Act, 2012 in Crime No.39 of 2023, seeks anticipatory bail.

2. The learned counsel for the petitioner stated that the petitioner is a P.T.Teacher in a school. It is also stated that the family of the petitioner and the family of the defacto complainant have an ongoing quarrel about chickens and the defacto complainant had killed six chickens with poison. It is also stated that for the alleged incident, petitioner's wife had given a complaint six months prior to the lodging of the present complaint. It is stated that this is a motivate complaint.

3. On the other hand, the statement of the victim girl had been recorded under Section 164(5) Cr.P.C., and had been presented before this Court.

4. The earlier application seeking anticipatory bail had been dismissed on 16.11.2023. The Court had once again read over the statement under Section 164(3) Cr.P.C.



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5. In view of the statements made and taking all other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Fast Track Mahila Court, Krishnagiri, 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 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] when the petitioner appears before the respondent, the respondent may also make further investigation whether the petitioner was involved with any other children or whether it is a single incident



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and if he is involved in the other children, necessary appropriate steps will be made with respect to the present order.

[d] 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 229A IPC.

19.02.2024

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