



Crl.O.P.No.30122 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A3, 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 appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any



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offence as alleged by the prosecution. He would further submit that though the petitioner is shown as a correspondent in the FIR, the fact is that he remains that the son-in-law of the A2/Head Mistress and he was helping his mother-in-law in the affairs of the school. He would further submit that the petitioner was not aware about the incident and immediately on coming to know of the incident, the petitioner as well as his mother-in-law have dismissed the staff and also informed the family members of the victim girl. He would further submit that the similarly placed A2/Head Mistress of the school against whom allegations were made for not taking action immediately, has also been granted anticipatory bail by this Court in Crl.O.P.No.29296 of 2024 dated 22.11.2024. He would further submit that there is no specific allegation by the victim girl or by her parents against the petitioner and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police, while opposing for grant of anticipatory bail to the petitioner, would submit that the petitioner is arrayed as A3, who is the



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son-in-law of the A2/Head Mistress of the school and dispute the complaint given by the parents, the management did not inform the police about the offence. He would further submit that the 1st accused was arrested and is still in custody and A2 was granted anticipatory bail by this Court.

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

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 Sessions Judge, Mahila Court, Perambalur District**, on condition that the Petitioners shall execute a separate bond for a sum of



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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;

[b] the Petitioner shall report before the respondent police everyday 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**



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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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