



Crl.O.P.No.30412 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.26 of 2024, registered for the offences punishable under Sections 9(n) and 10 of Protection of Child from Sexual Offences Act, 2012, 506(1) of I.P.C. And 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that as per the defacto complainant, aged about 23 years and that her younger sister is aged about 18 years, that their father used to sexually and physically harassed them from their young age and when it was questioned by her mother, he assaulted her mother and later during 2023, at the intervention of the elders in the family, a property was settled in favour of the daughters and later her father had threatened to cancel the settlement deed and thereby, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is none other than the father of the alleged victim girls. He would submit that there was a matrimonial dispute between the petitioner and his wife. Later, the petitioner in order to protect the interest of the children had settled the property



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in favour of the children. Subsequently, since the wife created the problem the petitioner had threatened them that he would cancel the settlement deed, whereas on the instigation of the mother a false complaint has been given, as if the petitioner had committed sexual assault on the daughters when the daughters were minor. He would further submit that the respondent had issued notice and called the petitioner for enquiry and the petitioner had appeared before the respondent and given his statement, explaining the circumstances under which the incident happened.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioner is the father of the victim girls. The victim girls who are now aged about 23 and 18 years respectively have given a complaint stating that when they were minors their father had sexually and physically assaulted them. He would further submit that their statements have also been recorded under Section 183 of B.N.S.S. Act. He would further submit that the petitioner had appeared for enquiry and investigation has been completed and draft final report has been made ready.

5.Having heard the learned counsel for the petitioner and the learned



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Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the statements recorded from the victim girls, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend 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 every day at 06.30 p.m., for a period of one week



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and thereafter, as and when required;

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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