



Crl.O.P.No.29249 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.19 of 2023 registered by the Respondent Police for the offences under Sections 11(1) and 12 of POCSO Act.

2. The learned counsel for the Petitioner stated that a false allegation has been made against the Petitioner herein by the Head Master of the school with an ulterior motive to harass him and to implicate the Petitioner in this case. Thus, he prays for grant of anticipatory bail to the Petitioner herein.

3. The learned Government Advocate (Criminal Side) stated that the Petitioner is a Tamil Teacher at Government Tribal Residential High School, Thalamalai, Thalavadi Taluk in Erode. The defacto complainant is the Head Master of that School. The case of the prosecution is that the victim child had informed the defacto complainant that the Petitioner herein had approached the victim child and expressed his intentions and had also given her a chocolate which she threw away. Later, she informed that incident to



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the Head Master. Then, the Petitioner was suspended from service. It would only be appropriate that the Petitioner is given a chance to defend his case and the prosecution is also given the opportunity to establish his case during the course of trial.

4. Taking into consideration that the nature of the statement made under Section 164(5) of Code of Criminal Procedure and also the fact that there are no other earlier records of the Petitioner having been imputed by any of the students of that similar allegations, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. 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 learned Mahila Court and Additional Special Court for trial of under POCSO Act in Erode 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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] 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 229A IPC.

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