

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.11202 of 2015

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ORDER:

The petitioner, who is accused in Crime No.81 of 2015 on the file of SHO, Chittoor-I Town Police Station, Chittoor registered for the offence punishable under Sections 376(2)(i) IPC and Sections 3 & 10 of POCSO Act, 2012, filed this petition under Section 437 & 439 of Cr.P.C., seeking bail.

The case of the prosecution is that the victim girl, who is studying 9th class reported that she resided in the hostel and that the accused who is the husband of Head Mistress of the school, used to outrage her modesty and that he had forcible sexual intercourse with her. Though she was admitted in another hostel, the accused used to call her and demanded to have sexual intercourse with him. That on 02.07.2015 at about 3.30 p.m. he called her into the house and when she went to water tap, he had sexual intercourse with her. The petitioner was arrested on 6.7.2015 and since then he is in judicial custody.

Heard and perused the material available on record.

The learned counsel for the petitioner submitted that the allegations in the complaint are false and in fact, the petitioner was away from Chittoor on 02.07.2015 and engaged in a meeting at Vellore CSI (Vellore Diocese) at the relevant time. False case is foisted against the petitioner to unpopular his wife and for that purpose the victim girl has been used since the victim girl and her sister were made to vacate the hostel some few months before the alleged incident as they could not clear the mess bill dues. It is submitted that to prove the fact that the petitioner attended a meeting on 02.07.2015 at Vellore, an affidavit executed by Dr.A.Rajavelu, Bishop of Diocese of Vellore is enclosed.

The fact remains that the petitioner was arrested on 06.07.2015 and since then he is in custody. The investigation into the crime is also completed and there is no likelihood of flee from the hands of justice by the petitioner. Considering the same, this Court is inclined to grant bail to the petitioner.

In the result, the Criminal Petition is allowed and the petitioner shall be enlarged on bail on condition of his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of IV Additional Judicial Magistrate of First Class, Chittoor. The petitioner is directed to report to the Station House Officer concerned, daily between 10.00 a.m., and 5.00 p.m., until further orders.

JUSTICE RAJA ELANGO

04th December, 2015

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