

Crl.O.P.No.3341 of 2016K.KALYANASUNDARAM, J.

The petitioner, who is arrayed as A2, was arrested and remanded to judicial custody on 08.02.2016 for the alleged offences punishable under Sections 5(p) r/w Sec.6 and 16 of POSCO Act, 2012 in Crime No.96 of 2016 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that Nine students (boy) group aged between 12 to 15, who were staying at Hemar Children Home at Eraiyur, was subjected to sexual abuse by A1 who is working as a Warden. When this was complained to the second accused, who has controlled over the first accused, threatened the children stating that they should not disclose it to any one, failing which, they would be removed from the hostel and they cannot promote to next class.

3. Mr.B.Kumar, learned Senior counsel appearing for the petitioner would submit that Kumbakonam RC Diocese Society is running a School and a Hostel separately and the first accused was incharged the **hostel and the second accused was incharged the school**. It is further submitted that second accused has no control over the first accused and the entire allegation of sexual abuse is made only against the first accused.

4. The learned Senior Counsel for the petitioner further submitted that the petitioner is working as a Priest and he has been falsely implicated in this case and prime accused was already arrested and remanded to judicial custody.

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5. Per contra, Mr.M.Mohamed Riyaz, learned Government Advocate (Crl.Side) vehemently opposed the bail petition stating that the case was registered on the complaint of one J.Mohamed Hussain, who claims to be a Chairman of Child Welfare Committee on 02.02.2016. The accused were arrested only on 08.02.2016 and the investigation is not yet completed. The respondent has also filed a counter opposing the bail petition.

6.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum, to the satisfaction of the learned Judicial Magistrate No.1, Trichy and on further condition that the petitioner shall report before the respondent police daily at 10.00a.m. until further orders.

22.02.2016

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