



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Third day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.1 of 2017

DINESH,

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SRIRANGAM,
TRICHY DISTRICT.
(CR.NO.310/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

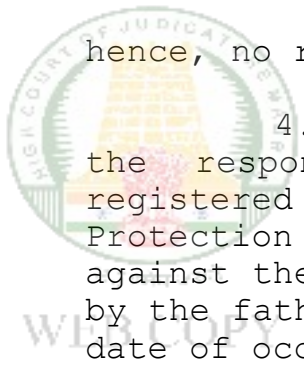
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-
Orders Reserved on 06.02.2017.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 7, 8, 21(1) of Protection of Child from Sexual Offences Act, 2012, in Crime No.310 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner took the victim girls to Velankanni in connection with a Sports Meet instead of Salem and he has misbehaved with the said victim girls, who were studying in 10th Std., in that Institution and he has given sexual torture and harassment and made a threat of dire consequences.

3. The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the daughter of the defacto complainant is having a love affairs with her boy friend and the said fact came to the knowledge of the petitioner and he advised her to amend her acts and in order to hideout her love affairs and not to be made public, the defacto complainant filed the present complaint falsely without any iota of truth. He also submitted that the alleged occurrence took place on 27.10.2016 and the present complaint was given only on 11.01.2016, after a long delay of 15 days, more particularly, when the defacto complainant got the knowledge of the occurrence on the very next day itself and



hence, no reliance can be placed on the said complaint.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that FIR was registered for the offences punishable under Sections 7, 8, 21(1) of Protection of Child from Sexual Offences Act, 2012, in this case against the two accused, on the basis of the written complaint given by the father of one of the victim girls, aged about 15 years on the date of occurrence. The petitioner herein is the first accused in this case, who was working as Physical Education Teacher and second accused is the Principal of St.Francis Matriculation School, Trichy and he was arrested in this case.

5. The learned Government Advocate (crl.side) has produced the CD file in respect of this case, for perusal of this Court. The investigation conducted by the respondent police reveals the fact that the defacto complainant came to know the alleged sexual harassment and torture from his victim daughter and also from the mother of another victim girls, on 10.11.2016 at about 8.00 p.m. Both the victims in this case have given a statement under Section 164 Cr.P.C., before the learned Judicial Magistrate (Additional Mahila Court), Tiruchirappalli, stating that the petitioner herein has embarrassed the victim / daughter of the complainant and attempted to kiss her and also to touch her breast and also attempted to kiss and touch the breast of the another victim girl forcibly. Both the victims in this case are aged about 14 years old (daughter of the defacto complainant) and 16 years old respectively and also they are studying 10th STD., of the said Institution, in which, the petitioner herein is working as PET Master of the said School. It is alleged that the petitioner has taken them in respect of a Sports meet to a lodge at Velankanni instead of Government Girls Higher Secondary School, Salem, from Trichy without informing to the victim girls and their parents and hence, the petitioner is the main culprit in this case.

6. Considering the above facts and circumstances of the case and also the alleged misbehaviour and the conduct of the petitioner, who was working as PET Master and also the relationship between the petitioner and the minor victim girls studying 10th Std., as PET Master and Students, this Court is not inclined to grant anticipatory bail to the petitioner.

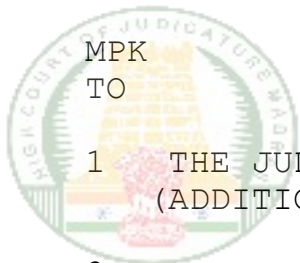
7. In the result, this Criminal Original Petition stands dismissed. The respondent Police is directed to secure the accused.

sd/-

23/03/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



MPK
TO

1 THE JUDICIAL MAGISTRATE
(ADDITIONAL MAHILA COURT) TIRUCHIRAPPALLI

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SRIRANGAM, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.17820

GJM/PM/PN/SAR-2-27.3.17-3P-6C

ORDER
IN
CRL OP(MD) No.1 of 2017
Date :23/03/2017