



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3239 of 2018

JACOB MANOHAR

... PETITIONER / ACCUSED (SINGLE)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CR.NO. 22/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

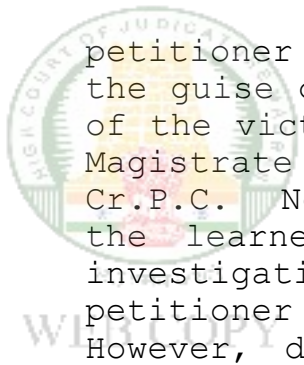
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 11(1) and 12 of the Protection of Children from Sexual Offences Act, 2012, registered in Crime No.22 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is the Head Master of a school namely, T.D.T.A Higher Secondary School Where the defacto complainant's son is studying 11th standard. As the petitioner herein has sexually tortured the defacto complainant's son, the present complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged by the prosecution and he is in no way connected with the offences, hence he pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the investigation is completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that on 21.12.2017, the



petitioner being the Head Master misbehaved with the children under the guise of giving coaching at extra time after school hours. One of the victim in this case had confirmed the allegations before the Magistrate and at the time of recording statement under Section 161 Cr.P.C. Now, the petitioner is under suspension. Apart from that the learned Government Advocate (Crl. Side) made submission as investigation is completed. Thereby, custodial interrogation of the petitioner may not be necessary for completing the investigation. However, during the time of occurrence the petitioner using his official position for committing this offence.

6. Considering the gravity of the offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with stringent 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 of receipt of a copy of this order, before the learned Judicial Magistrate Thiruchendur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall stay at Vizhupuram and report before the Inspector of Police, Town Police Station, Vizhupuram, daily at 10.00 a.m. until further orders;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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].

sd/-
01/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, VIZHUPURAM.

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

+1. CC to M/S.R.ANAND Advocate SR.No.3286

ORDER

IN

CRL OP(MD) No.3239 of 2018

Date :01/03/2018

MKV-PM-PN-SAR 4/9.3.2018/3P-7C