



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4214 of 2018

ALKIS AMALRAJ

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 35 OF 2018)

... RESPONDENT / COMPLAINANT

MAIDEEN PITCHAI

... INTERVENER / DEFACTO COMPLAINANT

For Petitioner : MR.M.THIYAGARAJAN for M/S.R.ANAND Advocate

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

For Intervenor : MR.S.SATHYA CHIDAMBARAM Advocate

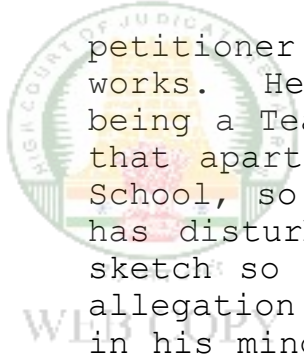
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 alleged offences punishable under Sections 294(b), 354-A(iv) and 506(i) IPC and Sections 12 and 10 r/w. 9(f) of the Protection of Children from Sexual Offences Act, 2012 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.35 of 2018 and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as a Teacher of Zoology subject at Bharathiyar Government Higher Secondary School, Veeravanallur, Tirunelveli District. On 23.01.2018, the de-facto complainant's daughter viz., Mohamadhupathu, who is studying XI Standard [Science] in the said School, was sexually harassed by the petitioner. Hence, the present case has been registered against him for the offences as stated above.

3.The learned counsel appearing for the petitioner submitted that the allegation in toto is nothing but an absolute false story and in fact, the victim girl is a very weak Student in Zoology subject, that is the reason why, she was vert often fired by the

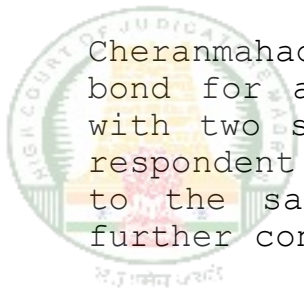


petitioner due to non-completion of practical works as well as home works. He further submitted that in one occasion, the petitioner, being a Teacher, has scolded her in the presence of co-students and that apart, he has also directed her to bring the parents to the School, so as to inform them about the status of her studies. This has disturbed her and accordingly, she has brilliantly, roughed a sketch so as to clamp the petitioner and has come forward with an allegation as if the petitioner has viewed her by having something in his mind. He also submitted that the petitioner is an innocent person, he has not committed any offence and he has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner.

4.It is submitted by the learned Government Advocate (Criminal side) appearing for the State that the petitioner is working as a Zoology Teacher in Bharathiyar Government Higher Secondary School, Veeravanallur, Tirunelveli District, and on 23.01.2018, the de-facto complainant's daughter viz., Mohamadhupathu, who is studying XI Standard [Science] in the said School, was sexually harassed by the petitioner. He also produced the copies of 164 Cr.P.C. Statements recorded from the witnesses, who are studying in the abovesaid School.

5.The learned counsel appearing for the Intervenor/de-facto complainant reiterated the averments made in the complaint and prayed for dismissal of the Criminal Original Petition.

6.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioner is working as a Zoology Teacher in Bharathiyar Government Higher Secondary School, situated at Veeravanallur, Tirunelveli District. The alleged offence was happened on 23.01.2018. Now, on going through the allegations levelled against the petitioner, it is seen that, no doubt, being a Teacher, if the allegations mentioned in the complaint are true, the offence committed by the petitioner is nothing but a heinous one. On the other hand, during the time of submitting his arguments, the learned Government Advocate (Criminal side) appearing for the State produced the copies of 164 Cr.P.C. Statements recorded from the Students, who are studying in the abovesaid School, for perusal. On going through the Statements, it appears that only in the presence of other Students, the petitioner made insult towards some other Students. Except the one, nearly 20 Students did not say anything about the physical contact of the petitioner with the Girl Students studying in the School. According to me, the petitioner is having the habit of abusing the Girl Students and put a nick name. As of now, 164 Cr.P.C. Statements of Students are recorded and therefore, considering the offence committed by the petitioner, custodial interrogation is not necessary. However, considering the position of the petitioner in the School, 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 of receipt of a copy of this order, before the learned Judicial Magistrate,



Cheranmahadevi, 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 Salem and report before the Inspector of Police, Salem Town Police Station, Salem, 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 petitioners 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/-

21/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION, SALEM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.R.ANAND Advocate SR.No.4519

ORDER

IN

CRL OP (MD) No.4214 of 2018

Date :21/03/2018