



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4785 of 2018

ARPUTHA KANAGARAJ

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, NANGUNERI

TIRUNELVELI DISTRICT

(CRIME NO.12 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, was surrendered before the learned Sessions Judge, Mahila Court, Thirunelveli, on 03.02.2018 and remanded to judicial custody on the same day for the offence punishable under Section 12 of Protection of Child from Sexual Offences Act, 2012, in Crime No.12 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is working as a Headmaster of the school, is said to have sexually misbehaved with the victim girl, aged about 11 years. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 03.02.2018.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that after completing the investigation charge sheet has been filed in Spl.S.C.No.30 of 2018, on the file of the Mahila Court, Thirunelveli.

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5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, during the time of occurrence, the petitioner being the Headmaster of the School, misbehaved with the child and gave sex torture. According to the submission made by the learned counsel appearing for the petitioner, it appears that the alleged offence was happened on 14.11.2017 and subsequently, a case has been registered, based on the complaint given by the defacto complainant on 20.11.2017, after the delay of 6 days. The Victim girl's statement was also recorded by the concerned Magistrate, under Section 164 Cr.P.C., and thereafter, the petitioner was dismissed from the service, in which, he was working as a Headmaster. Moreover, the petitioner is aged about 54 years. As per the prosecution, the investigation was completed and the charge sheet has been filed now pending in Spl.S.C.No.30 of 2018, on the file of Mahila Court, Thirunelveli.

7. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that the further detention is not necessary for completing the investigation. However, the alleged offence committed by the petitioner is a heinous one, this Court is inclined to enlarge the petitioner on bail with some some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) 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 learned Sessions Judge, Mahila Court, Thirunelveli.

(ii) the petitioner shall stay at Krishnagiri and report before the Inspector of Police, Town Police Station, Krishnagiri, daily at 10.00 a.m. until further orders, except on the dates, the case was posted for hearing.

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;



(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-
27/03/2018

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

TRP
TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NANGUNERI
TIRUNELVELI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SESSIONS JUDGE, MAHILA COURT, TIRUNELVELI
- 4 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI
- 5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, KRISHNAGIRI

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.4858

GJM/MM/PN/SAR-I-27.3.18-3P-7C

ORDER
IN
CRL OP(MD) No.4785 of 2018
Date :27/03/2018