



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21799 of 2018

SEELAN STEPHEN

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ODDANCHATHIRAM,
DINDIGUL DISTRICT.
(CRIME NO.14/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENIN KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.14 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the Principal of 'Christian Matriculation Higher Secondary School', Oddanchathiram, Dindigal, is the informant in the above case. The petitioner, on 06.09.2018, had engaged one Emy, as Social activists to educate and sensitise the children on anti social human trafficking and also about the children being exploited thereby educating them about POCSO Act, After this education, the children were free to disclose, if they were exploited. In response, the students given a complaint against the part time Physical Director and a bus conductor. The petitioner, on 11.09.2018, had filed a complaint against the offenders and the respondent had registered an FIR, on 12.09.2018 and conducted investigation. The petitioner submitted that he had



given the complaint along with the statements of the students. It is now stated that people with vested interest have started making allegations against the petitioner, as though the petitioner was aware of the happenings and not taking any action to the same immediately. The petitioner submits that the petitioner as well as the social activist, as soon as they received the information about the students being exploited, preferred the complaint immediately before the respondent police. The petitioner has no prior information about any such happenings, till the time it was revealed to him. He also submitted that taking advantages of this incident, the rival schools in the area are blowing out of proportion and propagating false allegations against the petitioner, as though the petitioner knowing about the same and had not taken proper care and safety of the children.

3. The learned Government Advocate (crl.side) appearing for the State would submit that immediately after receipt of the complaint, the respondent Police had registered the case and commenced investigation, examined the students and other witnesses. The investigation reveals that there is no specific allegation against the petitioner. Though some of the witnesses had mentioned that the petitioner had knowledge of the physical Education Director activities, and the petitioner had warned and left him off failed to take any action immediately. On perusal of materials, it is found that they are bald and vague.

4. I have heard the learned counsel appearing on either side and perused the materials available on record, including Case Diary.

5. This Court, on hearing the submissions, perusal of Case Diary and other materials finds that the petitioner, the Principal of the School, is the person, who initiated and had engaged a social activities to sensitise the students about the POCSO Act and their exploitation and educated them, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Mahilar Court, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that;

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police, as and when required, for interrogation

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/12/2018

/ TRUE COPY /

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

TO

- 1.THE JUDGE,
MAHALIR COURT,
DINDIGUL.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ODDANCHATHIRAM,
DINDIGUL DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.T.LENIN KUMAR Advocate SR.No.23140

ORDER
IN
CRL OP(MD) No.21799 of 2018
Date :12/12/2018

AE/JC/SAR1/13.12.2018/3P/5C