



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4399 of 2019

A.RAJA

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
AWPS-THIRUPPATHUR,
THIRUPPATHUR TALUK,
SIVAGANGAI DISTRICT.
(IN CRIME NO.1 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR K.P.RAMESH Advocate

For Respondent : MR.A.ROBINSON,
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 offence under Sections 11 (1), 12 of POCSO Act in Cr.No.1 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is a sole accused and he is a school teacher. The students made a complaint against the petitioner as if the school teacher was misbehaved and used abuse words. Hence the complaint.

3.he learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the students were used 'TIK TOK' and 'musically' applications down loaded from social media and make 'TIK



TOK' videograph using their phones during the class hours. The petitioner is being a school teacher, he has seriously objected this kind of attitudes of the students in a class room. Hence, the students made a false complaint against the petitioner. Further, he also produced the 'TIK TOK' photos before this Court, since he prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that when on verifying the students phones, he found a 'TIK TOK' videographs. He would further submit that there is no sexual harassment against the students and the investigation is still pending Hence, this Court may consider the anticipatory bail application of the petitioner.

5.Considering the facts and circumstances of the case, there is no serious allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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 Sessions Judge, Fast Track Mahila Court, Sivagangai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

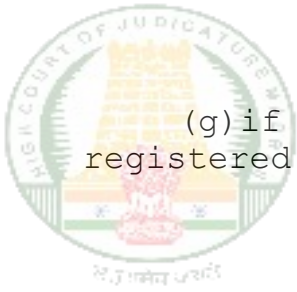
(a)the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

(f)on breach of any of the aforesaid conditions, 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 petitioners 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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/03/2019

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/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
SIVAGANGAI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
AWPS-THIRUPPATHUR,
THIRUPPATHUR TALUK,
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+3. CC to Mr K.P.RAMESH Advocate SR.No.5621

ORDER
IN
CRL OP(MD) No.4399 of 2019
Date :27/03/2019

AE/VR/SAR-IV/28.03.2019/3P/7C