



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

WEB COPY

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10739 of 2019

S.Mariyamuthu

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Alangulam, Tirunelveli District.
Crime No.8 of 2019

... Respondent/Complainant

For Petitioner : Mr.Prabhakaran, Senior Counsel
for M/s.J.Pricilla Pandian, Advocate

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

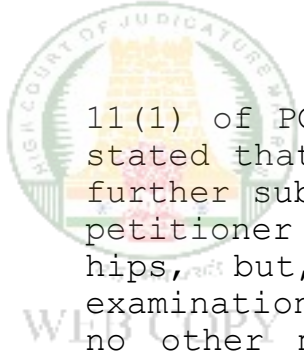
for bail in Crime No.8 of 2019 on the file of the Respondent Police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Sole Accused seeking bail for the alleged offence punishable under Section 294(b) of IPC and Section 8 and 11(1) of POCSO Act, in Crime No.8 of 2019.

2.Heard both sides.

3.The learned senior counsel appearing for the petitioner has submitted that due to some misunderstanding between the management and the petitioner, at the instigation of the management, a false case has been foisted against the petitioner. He further submitted that based on the complaint given by one Mrs.Mariya Selvarani who is the mother of one of the victim girls, FIR has been registered against the petitioner under Section 294(b) of IPC and Section 8 and 11(1) of POCSO Act, in Crime No.8 of 2019. He further submitted that the allegation made in the FIR would not attract Sections 8 and



11(1) of POCSO Act. He further submitted that in the FIR, it is not stated that the petitioner has acted with any sexual intention. He further submitted that even though in the FIR, it is stated that the petitioner used to pinch the girl students on their stomach and hips, but, none of the students were sent for any medical examination. He further submitted that except the bald allegations, no other material is available to show that the petitioner has committed offence under the POCSO Act. He further submitted that since the petitioner has been arrested and remanded to judicial custody on 25.06.2019, he has been placed under suspension and further by this time the investigation might have been completed and therefore, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner while working as a teacher, he used to misbehave with the girl students and only two students have come forward to make complaint against him. He further submitted that one of the victims' mother has lodged a complaint and based on the same FIR has been registered against the petitioner. He further submitted that during investigation, the Headmistress of the said school also was examined by the police and recorded statement under Section 161 Cr.P.C., Wherein the Headmistress has clearly stated that the petitioner is having the habit of pinching the girl students on their stomach and hip areas. He further submitted that two victim girls have stated in the statements recorded under Section 164 Cr.P.C as the petitioner herein has committed offence. He further submitted that the investigation is at initial stage and therefore, he strongly opposed this petition.

5.In the FIR, it is stated that the petitioner is a class teacher for the 6th standard and he used to pinch the girl students on their stomach and hips. Further, the two victim girls also stated in their statements recorded under Section 164 Cr.P.C that the petitioner used to pinch them on their stomach and hips but, none of the students were sent for any medical examination. Further, a perusal of the FIR and also the statement which was recorded under Section 164 Cr.P.C would not show that the petitioner has acted with any sexual intention.

6.Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody from 25.06.2019 and also the submission made by the learned Senior counsel for the petitioner that there are some misunderstandings between the management and the petitioner, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Alangulam, Tirunelveli District.



[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT.
 - 2.THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ALANGULAM, TIRUNELVELI DISTRICT.
 - 4.THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.J.PRICILLA PANDIAN Advocate SR.No.12549

ORDER
IN
CRL OP(MD) No.10739 of 2019
Date :30/07/2019