

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6276 of 2020

Prakashkumar

... Petitioner

Vs.

State rep. by the
Inspector of Police
AWPS, Pennagaram
Dharmapuri District
(Crime No.15 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.15 of 2019 pending investigation on the file of the Respondent.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.02.2020 for the offence punishable under Sections 9 (f), 9(m) and 10 of POCSO Act, 2012, in Crime No.15 of 2019, seeks bail.

2. The case of the prosecution as per the defacto complainant is that, the petitioner who is working as a Mathematics teacher in Panchayat Union Middle School at Kamaraj Nagar, Vellisandhai, has misbehaved with the defacto complainant's daughter and also threatened her. Based on the complaint, a case in Crime No.15 of 2019 was registered.

3. The learned counsel appearing for the petitioner would submit that there was a dispute between the petitioner and the school Head Master who is known to the defacto complainant. At the instigation of the Head Master, the defacto complainant has given a false complaint against the petitioner. The petitioner was granted interim bail on 15.04.2020. He would further submit that due to the enquiry conducted by the AEO, Educational authorities, the entire

facts came to light that a false case has been lodged against the petitioner due to the instigation of the Head Master. After coming to know about the activity of the Head Master, the entire public have agitated against him and have also requested the police to take action against the Head Master. Investigation has been completed. Accordingly, prays to confirm the interim bail granted to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the allegation against the petitioner is that he misbehaved with the daughter of the defacto complainant.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, the interim bail granted to the petitioner on 15.04.2020 is made absolute subject to the following conditions:

(a) Accordingly, the petitioner is ordered to surrender and furnish **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the Fast Track Mahila Court, Dharmapuri, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) **the petitioner shall report before the respondent police at 10.30 a.m. on every Saturday until further orders.**

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PENNAGARAM DHARMAPURI DISTRICT.

CC to M/S.V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.6276/2020

Date :13/07/2020

MN-CS-04/08/2020

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