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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23812 of 2021

Anand

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
W4, All Women Police Station,
Kilpakkam, Chennai - 600 010

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in Spl.S.C.No.144 of 2021 on the file of Special Court for POCSO Act, Chennai.

For Petitioner : Mr.John Sathyan for Mr.K.Thenrajan

For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioner who were arrested and remanded to judicial custody on 08.06.2021 for the offences under Sections 354, 354(A), 509 of IPC and 9(f)(d) r/w 10 of POCSO Act, 2012 in Spl.S.C. No.144 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 08.06.2021 the defacto complainant lodged a complaint before the respondent police stating that the petitioner is the teacher caused sexual abuse while he was student during 2014 - 2016 at Maharishi Vidhya Mandir by adjusting her bra strap and hit her bum once and she witnesses and heard that he had abused other girls outside school campus and his behaviour towards girls always sexually inappropriate places and requested necessary action. Hence the complaint.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that 164 statement was recorded from the girl, investigation almost completed and she is also dropped out from the school and also the alleged occurrence happened about 2 years back, now the girl was completed her studies. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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 Special Court for POCSO Act Cases at Chennai, and on further conditions that:

(a) the sureties shall affix their photographs 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 on every Wednesday and Sunday at 10.30 a.m. until further orders and the petitioner shall not have any communication with the victim girl and also appear before the trial Court regularly. The petitioner shall pay Rs.10,000/- (Rupees Ten Thousand only) to the credit of Registered Tamil Nadu Advocate Clerk Association, Chennai;

(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]; and;



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

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-sd/-

10/12/2021

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 SPECIAL COURT FOR POCSO
ACT CASES AT CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,
W4, ALL WOMEN POLICE STATION,
KILPAKKAM, CHENNAI-600 010.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED TAMIL NADU
ADVOCATE CLERK ASSOCIATION,
CHENNAI.

+1 CC to M/S.K.THENRAJAN Advocate on payment of necessary
charges SR.NO.14483

CRL OP.23812/2021

Date :10/12/2021

RW 10/12/2021