



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2021

Coram:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24581 of 2021

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G.Rajagopal

.. Petitioner/Accused

/versus/

State rep.by
The Inspector of Police,
W-26, AWPS Police Station,
Ashok Nagar, Chennai.
(Crime No.5 of 2021)

.. Respondent/Complainant

Criminal Original Petition has been filed under Section 439 of the Cr.P.C. praying to enlarge the petitioner on bail pending trial in Spl.S.C.No.139 of 2021 in Crime No.5 of 2021 on the file of the respondent/police.

For Petitioner :Mr.M.Suresh

For Respondent :Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 24.05.2021 and remanded to the judicial custody on 25.05.2021 for the alleged offences punishable under Sections 354 (A), 509 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 read with Sections 11(i), 11(ii), 11(iii), 11(iv) as amended and 67, 67(A) of the Information Technology Act, 2002 in Crime No. 5 of 2021, seeks bail.

2.The case of the prosecution is that the petitioner was working as a Commerce Teacher in PSBB School. The defacto complainant along with other two students participated in the programme called as poly V business plan competition. At that time, the petitioner helped the defacto complainant while shopping and bargaining in buying a white dress for her. He offered wine to the defacto complainant, at the award winning ceremony and when the defacto complainant posted her double meaning jokes in whatsapp with the said white dress, the



petitioner sent a text message saying "very cute dress". Therefore, the school teacher has not followed moral and ethics and he compelled the students to talk through phone continuously. Hence, this complaint has been filed.

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3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner was sent out from the school and he was in the judicial custody for more than 7 months. Hence, he seeks bail.

4.The learned Additional Public Prosecutor raised objections and submitted that, the petitioner aged about 59 years committed sexual harassment to his own students. Based upon the complaint given by the students, investigation has been completed and final report has also been filed and the same was taken cognizance by this Court in Spl.S.C.No.139 of 2021.

5.Considering the facts and circumstances of the case and taking note of the fact that the petitioner was sent out from the school and the investigation was completed and charge sheet has also been filed and the same was taken on file in case Spl.S.C.No.139 of 2021 and also he was in the judicial custody from 25.05.2021, 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 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 Special Court for Exclusive Trial of Pocso Cases under Pocso Act, 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 should not have any communication with any of the students in the said School through phone more particularly in whatsapp.

(c)the petitioner shall stay at Ramanathapuram and report before the Ramanathapuram Town Police Station daily at 10.30 a.m., for a period of three months and thereafter, he shall report before the respondent police daily at 10.30 a.m., until further orders and should appear to the court hearings regularly.

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



(e) 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 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;

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

-sd/-

22/12/2021

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

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

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF POCSO CASES UNDER POCSO ACT,
CHENNAI.

2 THE SUPERINTENDENT,
PUZHAI PRISON, CHENNAI.

3 THE INSPECTOR OF POLICE,
W-26, AWPS POLICE STATION,
ASHOK NAGAR, CHENNAI.

4 THE OFFICER INCHARGE,
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.24581/2021

Date :22/12/2021

RW 23/12/2021