



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

CrI.O.P.No.24951 of 2021

Stephenraj

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Karumandurai Police Station,
Salem.
(Crime No.142 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.142 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.K.Kumarasamy, Senior Counsel
for M/s K.V. Law Firm

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.11.2021 for the offences under Sections 9 (f), 10, 17 and 21(1) of the protection of Child from Sexual Offences Act, 2012 and Sections 305 and 511 of IPC, in Crime No.142 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that the defacto complainant lodged a complaint before the respondent police stated that on 22.11.2021 his daughter was trying to hang herself in the fan and cut her wrist and she immediately rushed to the Hospital and later she become unconscious, they enquired about what was happened to her, she reveals that in her School his Karate master Sexually harassed her more than once and she reported the same to the correspondent he dismissed the said teacher from the school. Hence , the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he was falsely implicated in this case and he further submits that petitioner was not connected with the said



occurrence and he is only the correspondent of the said school and he further submitted that said attitude was committed by the one Karate Master who was dismissed from the school and he was arrested and remanded in Judicial Custody and the said occurrence was happened two years before the said occurrence and now she was joined in the same school and he further submitted that based upon the complaint given by the mother of the victim girl he implicated in this case. He would further submits that the petitioner has been suffering incarceration for more than 20 days from 28.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the investigation was almost completed and statement under Section 164 of Cr.P.C was recorded.

5. A perusal of 164 Statement reveals that there was no serious allegations made against the petitioner.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and there was no serious allegations made against the petitioner, 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 learned Special Judge for POCSO Act Cases, Salem, 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 daily at 10.30 p.m. For a period of two weeks until further order;

(c) the petitioner shall not cause any annoyance to the victim girl through any mode;

(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/-

20/12/2021

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 JUDGE FOR POSCO ACT
CASES, SALEM

2 THE OFFICER INCHARGE,
DISTRICT JAIL, AATHUR, SALEM

3 INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.KV LAW FIRM Advocate on payment of necessary charges
Sr.15143

CRL OP.24951/2021

Date :20/12/2021

RVR 21/12/2021