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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.9585 of 2021

S.P.Subramanian

... Petitioner/Accused No.2

Vs

The State rep.by
The Sub-Inspector of Police,
All Women Police Station, Theni,
Theni District.
(Crime No.9/2021)

... Respondent/Complainant

For Petitioner : Mr.J.JEYAKUMARAN,
Advocate.

For Respondent : Mr.ANTONY SAHAYA PRABAKAR,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

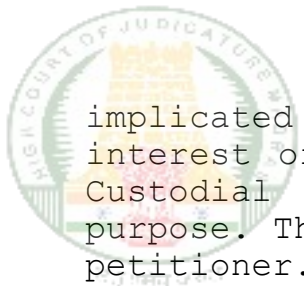
For Anticipatory Bail in Crime No.9 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 9(f), 9(1) and 10 of Protection of Children from Sexual Offences Act, 2012 in Crime No.9 of 2021 on the file of the respondent police, seeks anticipatory bail.

3.I had granted interim protection to the petitioner earlier. The matter was adjourned from time to time to enable the respondent to obtain statement from the students concerned. The petitioner is a school teacher. Statements under Section 164 of Cr.P.C. were taken from as many as 55 students. None of the students have directly



implicated the petitioner. Though the allegations are serious, still interest of justice require that the petitioner is granted relief. Custodial interrogation in this case is not going to serve any purpose. This is because as on date there is no material against the petitioner.

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4. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Mahila Court, Theni District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and 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, as and when required for interrogation.

[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 Sessions Judge/Mahila 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/09/2021

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/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



TO

1.THE SESSIONS JUDGE,
MAHILA COURT, THENI DISTRICT.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI,
THENI DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.J.JEYAKUMARAN, Advocate SR.No.5994

ORDER

IN

CRL OP(MD) No.9585 of 2021

Date :06/09/2021

SA/VR/SAR.3/08.09.2021/3P/5C