



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17394 of 2021

Shanmuganathan

... Petitioner/Sole Accused

Vs

State rep.by

The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai.
(Crime No.16 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar.D,Advocate.

For Respondent : M/s.R.Meemakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.16 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to Judicial Custody on 23.09.2021 for the offences punishable under sections 11(i), 11(iv) r/w 12 of POCSO Act, 2012, in Crime No. 16 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is a School teacher of the victim girl had sexually harassed her through cell phone from 18.09.2021 to 20.09.2021, that on intimation, the Child Welfare Officer, after enquiry, lodged a complaint and on that basis, the above case came to be registered.

3.The case of the petitioner is that he has never committed any offence as alleged by the prosecution and that the petitioner being a School teacher scolded the victim girl and due to that motive, the present complaint had been lodged.



4.I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials on record.

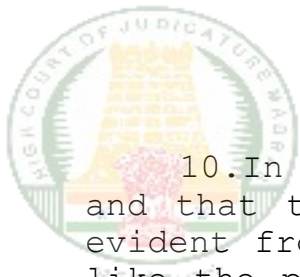
5. The learned Additional Public Prosecutor would submit that on 20.09.2021 morning, the father of the victim girl had informed the District Child Welfare Committee that the accused had sexually harassed his daughter from 18.09.2021 to 20.09.2201 through cell phone and the same has been audio recorded, that the committee had enquired the victim girl and her father and obtained the audio record from the victim girl and that the committee after coming to know that the occurrence was true, had lodged a complaint against the accused. He would further submit that the victim girl is aged 16 years and the petitioner/accused is aged 52 years, that the petitioner is the school teacher of the victim girl, that the investigation is pending and that if the petitioner is released on bail, there is every possibility of the petitioner threatening the victim child and her family members and for tampering of witnesses.

6.As already pointed out, it is the specific case of the prosecution that the victim girl is aged 16 years and she is studying in 11th standard. Admittedly, the petitioner/accused is the School teacher of the victim girl. As rightly pointed out by the learned Additional Public Prosecutor, the petitioner taking advantage of the on going online classes and submission of home work through cell phone, due to the Covid-19 pandemic and consequent restrictions imposed by the Central and State Governments, had allegedly indulged in such inhuman and monstrous misconduct.

7. It is very unfortunate that for the past few months incidents of alleged sexual harassment and sexual assault of school students at the hands of their own teachers have been making headlines. It is a clear abuse of power and trust. It is pertinent to mention that such harassment and assault can have long-lasting physical and psychological damaging impact. When a school going child is not safe in the hands of their own teachers, where and how can we expect safety and protection to the girl children.

8. No doubt, the petitioner is in judicial custody from 23.09.2021. The learned counsel for the petitioner would submit that already statement under Section 164 Cr.P.C was recorded from the victim girl and that since the major portion of the investigation has already been completed and the judicial custody of the petitioner is no more required, he may be enlarged on bail.

9.But the learned Additional Public Prosecutor would submit that audio record has been sent to the forensic laboratory and the reports are yet to be received and that the investigation is not yet completed. If the petitioner is allowed to come out on bail at this point of time, the same would send wrong signals to grotesque creatures, who are indulging in such brutal and cruel misconducts and such persons are to be dealt with iron hands.



10. In our society, much importance is given to Guru (Teacher) and that too, to the extent of placing the Guru ahead of God, as evident from a Tamil sayings, "மாதா, மீதா, குரு, தேவம்". But some persons like the petitioner are attempting to destroy the basic, moral and ethical concepts of our society.

11. Considering the seriousness and gravity of the offence alleged and also the fact that the investigation is not yet completed and more importantly, the petitioner being a class teacher had allegedly abused his position and harassed his own student sexually, this Court is not inclined to grant bail at this point of time. It is needless to say that the observations above made, are only for the purpose of deciding the bail application and should not be taken into account at the time of trial.

12. In the result, this Criminal Original Petition is dismissed.

Sd/-
12/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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 INSPECTOR OF POLILCE,
ALL WOMEN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17394 of 2021
Date :12/11/2021