



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5480 of 2022

Ashok Kumar

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Udumalpet All Women Police Station,
Tiruppur District.
(Crime No.01 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.01 of 2022 on the file of Respondent of police.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested for the offences punishable under Sections 11(4) read with 12 of the POCSO Act and 354A, 354B, 354D of IPC and Section 67 of the IT Act in Crime No.01 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein is a school Teacher and he was arrested on 08.01.2022 for the alleged offence of forwarding sexual messages to the victim girl. The police has filed the final report against this petitioner for the offences under Sections 11(4) read with 12 of the POCSO Act and 354A, 354B, 354D of IPC and Section 67 of the I.T Act.



3. Learned Additional Public Prosecutor appearing for the respondent states that the victim girl though summoned to give her statement, she refused to give statement before the learned Magistrate. Therefore, the statement under Section 164 could not be recorded. The criminal law is set into motion by a third party and the victim girl is about 17 years old.

4. Taking into consideration that the investigation is completed and the final report filed. To provide fair and adequate opportunity to the petitioner herein to defend his case and prove his innocence, this Court is inclined to grant bail to the petitioner and he is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the Mahila Court, Tiruppur.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to attend the Court concerned regularly without fail.

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

15/03/2022

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.



1 THE MAHILA COURT,
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
UDUMALLPET ALL WOMEN POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S D.R.ARUN KUMAR Advocate on payment of necessary
charges SR.NO. 3905

CRL OP.5480/2022

Date :15/03/2022

RW 16/03/2022