



CrI.OP.No.16935 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16935 of 2022

Prasath Rashkin

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Thiruppapuliyur Police Station,
Cuddalore District.
(Crime No.441/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail relating to Crime No.441/2022 on the file of the Inspector of Police, Thiruppapuliyur Police Station, Cuddalore District.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.06.2022 for the offences punishable under Section 9(f) and 11 of POCSO Act in crime No.441 of 2022 on the file of the respondent



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police, seeks bail.

2. The case of the prosecution is that *de-facto* complainant's daughter is studying 12th standard at Lakshmi Chordia Memorial Matric. Hr. School, Cuddalore and the petitioner is working as the Chemistry teacher in the same school. It is alleged that the petitioner touched the hands of the victim girl and asked her to sleep with him for one day. Hence, the complaint.

3. Even according to the case of the prosecution, the petitioner called the victim girl and asked her for physical relationship. Except this allegation, there is no other allegation as against the petitioner with regards to any sexual assault on the victim girl. That apart, the *de-facto* complainant is none other than the Sub-Inspector of Police of the same Police Station where the First Information Report was registered and due to previous enmity between the petitioner and the *de-facto* complainant, he filed a falsely foisted case against the petitioner. Further, the petitioner was arrested and remanded to judicial custody on 10.06.2022.



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4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 10.06.2022, this Court is inclined to grant bail to the petitioner. 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 **POCSO Court, Cuddalore**, 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 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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



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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.

20.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The POCSO Court,
Cuddalore.
- 2.The Inspector of Police,
Thiruppapuliyur Police Station,
Cuddalore District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

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