



Crl.O.P.No.19296 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9(f), 9(l) and 10 of Protection of Children from Sexual Offences Act, 2012, in Crime No.14 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a student studying 8th standard in Government School, Dharmapuri. The defacto complainant was living with her mother, who was working in textile shop. On 29.06.2022 at about 10.30 a.m, while she was talking with her friend, the petitioner, an English teacher entered into the class room and pinched her hip. Thereafter, on 01.07.2022, while she was sitting in the classroom, the petitioner entered into the classroom and looked into the English notebook and pinched her cheek asking her to improve her handwriting. It was informed by the defacto complainant to her mother, the defacto complainant had made allegations that she came to know that the petitioner had pinched the cheeks of her classmates, and



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pressed one of her classmates stomach when she complained of stomach ache during class hours and also while her friend entered into the classroom after the lunch break, the petitioner pressed against her chest with his hands and the issue was escalated to the headmistress of the school. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 59 years and he was in 25 years of service with unblemished records. In fact, three times he was awarded as best teacher. The newly appointed headmistress is taking place to remove all male teachers from the school therefore, she instigated all the students to make a false complaint against the teacher. The learned counsel for the petitioner also produced the award granted to the petitioner and it revealed that he is best teacher. In fact, before even registration of FIR, the parent teacher association made complaint before the Minister and other officials in this regard.



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4. Even according to the case of the prosecution the petitioner pinched the cheek of the school students and warned the students for their bad handwriting. The learned Government Advocate (Crl. Side) would submit that the petitioner also sexually harassed the students. Further on a perusal of Section 164 Cr.P.C statement of the two students revealed that the petitioner pinched their cheek and warned about their handwriting and only one student deposed that the petitioner pinched on her hip and back side. Therefore, custodial interrogation of the petitioner does not require in this case.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, on condition that



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 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 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 Magistrate/Trial Court is entitled to take appropriate action against the



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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.

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