



Crl.OP.No.20385 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

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

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D.Tamizharasu

...Petitioner

Vs.

State represented by
The Inspector of Police,
Manimangalam Police Station,
Kanchipuram District.
(Crime No.227 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.227 of 2022 on the file of the Inspector of Police, Manimangalam
Police Station, Kanchipuram District.

For Petitioner :Mr.K.Selvakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2022 for the offences punishable under Sections **3(b), 4,7 and 8 of Protection of Children from Sexual Offences (POCSO) Act, 2012** in crime No.227 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the victim girl is aged about 4 years and she is studying UKG in Global Aero International Kids School, Padappai and the petitioner was working as P.E.T Teacher in the said School. On the day of occurrence, the petitioner sexually assaulted the victim girl by touching her private part. Hence, the case.

3. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C revealed nothing, since the victim girl denies to give any statement. As per the FIR, the petitioner had touched the victim girl's private part.



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4. The learned Counsel for the petitioner submitted that the entire school premises are being monitored by CCTV cameras installed by the School Management and there is no such occurrence was happened as alleged by the prosecution. He further submitted that, due to previous enmity, false case has been lodged by the defacto complainant.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of their arrest i.e., 13.07.2022, this Court is inclined to grant bail to the petitioner.

6. 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 learned **Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu** and on further conditions that:



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[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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of four 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 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 229A IPC.

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To

1. Sessions Judge, Special Court for
Exclusive Trial of Cases under POCSO Act,
Chengalpattu.
2. The Inspector of Police,
Manimangalam Police Station,
Kanchipuram District.
3. Sub Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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