



Crl.O.P.No.21574 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21574 of 2022

Paulvannan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Omerabad Police Station,
Thirupathur District.

(Crime No.262 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.262 of 2022 on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.21574 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.07.2022 for the alleged offences punishable under Sections 9(l), 10 & 18 of Protection of Children from Sexual Offences Act, 2012, in Crime No.262 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who was working as a Head Master of Panchayat Union Primary School at Machambet Village, attempted to commit sexual assault on the girls studying fifth and sixth standards, whose age are about 10 and 11 years respectively. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was working as a Head Master of Panchayat Union Primary School at Machambet Village and there was a dispute between the petitioner and one teacher named Ravi and on the instigation of the said Ravi, the false complaint has been foisted as against the petitioner. He would



Crl.O.P.No.21574 of 2022

further submit that the petitioner has been charged for the offences under Sections 9(l), 10 & 18 of Protection of Children from Sexual Offences Act, 2012 and the maximum sentence prescribed for the offence under the Act is seven years and the petitioner is in custody for about 59 days and the charge sheet is not yet filed. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner, was a Head Master of Panchayat Union Primary School, misbehaved and attempted to commit sexual assault on the girls aged about 10 and 11 years, who are studying fifth and sixth standard. He would also submit that 164 statements have also been recorded from the victim girls. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record including the 164 statements recorded from the victim girls.



Crl.O.P.No.21574 of 2022

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is in custody from 23.07.2022 and also the investigation has not been completed, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of cases under POSCO, Vellore**, 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 **learned Mahila Court, Vellore on all working days, at 10.30 a.m., until further orders, and it is made clear that the petitioner shall not enter into the jurisdictional limit of the respondent Police, till the disposal of the case;**



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Crl.O.P.No.21574 of 2022

[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;

21.09.2022

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Crl.O.P.No.21574 of 2022

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To

1. The Special Court for Exclusive Trial of cases under POSCO,
Vellore.
2. The Mahila Court, Vellore,
3. The Inspector of Police,
Omerabad Police Station,
Thirupathur District.
4. The Central Prison,
Vellore.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21574 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.21574 of 2022

21.09.2022