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Crl.O.P.No.25037 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

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

Crl.O.P.No.25037 of 2022

V.Balasubramanian

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar,
T.Nagar, Chennai.

(Crime No.11 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.11 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.B.A.Sujay Prasanna

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.09.2022 for the offences punishable under Sections 9(f), 12 r/w 10 of Protection of Children from Sexual Offences Act, 2012, in Crime No.11 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/mother of the minor victim girl, is that her minor daughter was undergoing tuition under the petitioner, while so, on 01.09.2022, the petitioner had sent all other students out and when her minor victim girl was alone, had spoken filthy and hugged her and also intimidated her that not to disclose it to any body. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a teacher who has been successfully running tuition centre for 25 years and has also trained several students. He would further submit that the petitioner used to be strict master and it was not liked by



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certain people. He would also state that he had reprimanded the de-facto complainant's daughter and had compelled her to attend tuition, which was objected by the de-facto complainant and due to some misunderstanding, a false complaint has been given against him. He would further submit that even taking into consideration the allegations, there is no averment that the petitioner has inappropriately touched the victim girl. The learned counsel would submit that though the petitioner has been running tuition centre for about 25 years, he had never been brought to any adverse notice from the parents of his students. He would further submit that though the alleged occurrence is stated to have taken place on 01.09.2022, the victim girl has stated to have gone on a school tour on the next day and that would create a doubt with regard to the prosecution case. He would also submit that the petitioner is in custody from 05.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is the tuition master had inappropriately touched the de-facto complainant's daughter, while she had



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gone to tuition centre for attending tuition. He would further submit that the investigation is pending and the statement has also been recorded from the victim girl under 164 Cr.P.C. Hence, he vehemently oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, 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



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the learned Special Court for Exclusive Trial of Cases under POCSO

Act, Chennai, 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 stay at Krishnagiri and report before the Inspector of police, Krishnagiri Town Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police everyday at 10.30 a.m, until further orders;

[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**



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai.
2. The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar,
T.Nagar, Chennai.
3. The Central Prison,
Puzhal.
4. The Inspector of police,
Krishnagiri Town Police Station,
Krishnagiri.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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