



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.8074 of 2022

WEB COPY

Bharathi

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.9/2022).

... Respondent/Complainant

For Petitioner : Mr.C.Muthu Saravanan,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.9/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.03.2022 for the offence punishable under Sections 9(1), 9(f) and 10 of POCSO Act, in Crime No.9 of 2022, on the file respondent police, seeks bail.

2. The case of the prosecution is that the petitioner being a teacher used to have talk with the girl students studying from 7th to 10th standards in abusive manner and also used to touch the girl students inappropriately.

3. The petitioner's case is that he is innocent, he has not committed any offence as alleged and that he has been falsely implicated in the above case.

4. The learned Counsel for the petitioner would submit that no complaint was lodged by any of the students studying in the said School, that the present complaint was lodged only by the member of the Parents and Teachers Association of that school, that even in the complaint, they have raised only bald and vague allegations that since the previous complaints were held to be untrue and motivated one, the petitioner was allowed to work in the school, that there

<https://www.hcscs.courts.gov.in/tcscs/>



offered any reason or explanation for the delay and that since the petitioner is in judicial custody for more than 47 days, the petitioner is entitled to be enlarged on bail.

5. It is the case of the defacto complainant that earlier complaint lodged by the students with Child Help Line by contacting No.1098 and the complaints to the District Educational Officer and the District Collector, Madurai and also to the Chief Minister's Cell, there was no action taken against the petitioner and he was allowed to continue as teacher in the same school.

6. The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner/accused used to come to school after consuming alcohol, that he used to touch the female students inappropriately and thereby sexually abused them, that he used to pass bad comments to the students and that nearly 21 students have given statements under Section 164 Cr.P.C. The learned Government Advocate (Crl.Side) would further submit that some of the girl students in their statements recorded under Section 164 Cr.P.C., have not stated anything against the petitioner herein and some of them had spoken about the petitioner.

7. The learned Counsel for the petitioner would submit that there was no allegation of touching private parts of the girl students and that the students have only alleged that he used to behave differently and inappropriately.

8. Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner and taking note of the fact that the petitioner is in custody from 13.03.2022, that the investigation might have been completed by this time and that the petitioner is not having any bad antecedents as stated by the learned Government Advocate (Crl.Side), this Court is inclined to grant bail to the petitioner subject to the following conditions:

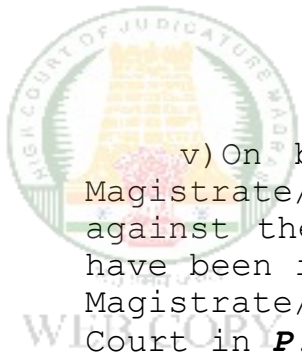
9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, Madurai District and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

iii)the petitioner shall not tamper with evidence or witness.

<https://hcservices.courtstg.in/hcservices> the petitioner shall not abscond during trial.



v) 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]***.

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/04/2022

/ TRUE COPY /

29/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
- 4 THE OFFICER INCHARGE,
JUVENILE HOME, MELUR,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8074 of 2022
Date :28/04/2022

MK/PN/SAR.3 (29.04.2022) 3P-6C