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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2022
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17873 of 2022

R.Maruthai

... Petitioner/Accused (Single)

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Kulithalai.
Karur District.
Crime No.26 of 2022.

... Respondent/Complainant

For Petitioner : M/s.ANAND R,
Advocate.

For Respondent : Mr.B.NAMBI SELVAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 26 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded judicial custody on 01.09.2022 for the offences punishable under Section 294 (b) of IPC and Sections 7 and 8 of Protection of Child from Sexual Offences Act, 2012, in Crime No.26 of 2022, on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner was working as Science Teacher in the Government High School, by taking advantage of that position, he misbehaved with the students.

3.The learned counsel for the petitioner submits that the petitioner is aged about 50 years and working as a teacher in the same school for the past 30 years. Based upon some false allegations, he was falsely implicated in this case. He is in judicial custody from 01.09.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent raised objections stating that nearly about 9 students

<https://www.mhc.tn.gov.in/judis>



stated some allegations against the petitioner, when they had the awareness program of the good touch and bad touch by the Head Mistress of the school. He further submits that the investigation is almost completed and 164 of Cr.P.C is yet to be recorded.

5. With regard to the good touch and bad touch, some allegations were raised against the petitioner. The petitioner was worked as a teacher for the past 30 years in the school without any such allegations. Therefore, the petitioner is being a teacher, aged about 59 years, if he is released on bail, there cannot be any possibility of absconding. Further, the petitioner is already suspended from the school and so, there is no possibility to communicate with the school students.

6. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional Sessions Judge, Fast Track Mahila Court, Karur.

(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 stay at Salem and sign before the Inspector of Police, Town Police Station, Salem daily at 10.30 a.m., for a period of twelve weeks and thereafter, appear before the trial Court daily at 10.30 a.m., until further orders.

(iii) the petitioner shall not communicate with the school students;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial;

(vi) 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]**.

sd/-

06/10/2022

/ TRUE COPY /

06/10/2022

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



TO

1 THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KARUR.

2 THE OFFICER INCHARGE
SUB JAIL, KULITHALAI, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHALAI.
KARUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE
TOWN POLICE STATION, SALEM.

+1. CC to M/S.S.SATHYA CHIDAMBARAM, Advocate SR.No.10978

ORDER

IN

CRL OP(MD) No.17873 of 2022

Date :06/10/2022

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SA/VR/SAR.4/06.10.2022/3P/7C