



Crl.O.P.No.6311 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

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

Crl.O.P.No.6311 of 2023

Barani Krishnan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Vandavasi,
Tiruvannamalai District.

(Crime No.1 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.1 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.R.Suresh

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



Crl.O.P.No.6311 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.01.2023, for the offences punishable under Sections 9(1)(f), 10 r/w 18 and 11(1) and 12 of Protection of Children from Sexual Offences Act, 2012, in Crime No.1 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant,xxx, aged about 14 years is that the accused, who was working as a Science teacher in a Government School, wherein, the victim girl was studying 10th standard, had attempted to misbehave with her and also used to speak with her in double meaning. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 60 years and this is his second application for bail. He further submitted that since the petitioner has reprimanded the de-facto complainant for using mobile phone and texting with one Mathan, during school hours and informed that he will intimate it to her parents, she had given a false complaint against him, as if he had attempted to misbehave



Crl.O.P.No.6311 of 2023

with her. He also submitted even as per the First Information Report, the victim has stated that she without informing the above incident to her parents, she had informed the same to the said Madhan. He further submitted that the petitioner has been suspended by the school authorities and he also stated that the petitioner is a cardiac patient, who has undergone heart surgery, and he is in custody from 07.01.2023. He also submitted that major part of the investigation is over and further custody for the petitioner may not be required. Therefore, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is the case, where, the petitioner, who is the school teacher, had misbehaved with her student, aged about 14 years, by touching her inappropriately. He further submitted that this is the petitioner's second bail application and also submitted that investigation has been completed and the final report has also been filed before the Special Court for POCSO cases, Tiruvannamalai and it is yet to be numbered. He also submitted that statement has also been recorded from the victim girl under Section 164 Cr.P.C. However, he vehemently opposed for grant of bail to the petitioner.



Crl.O.P.No.6311 of 2023

WEB COPY

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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**, for a like sum to the satisfaction of the **learned Sessions Judge, Special Court under POCSO Act, Tiruvannamalai**, 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;



Crl.O.P.No.6311 of 2023

[b] the petitioner shall appear before the learned Sessions Judge, Special Court under POCSO Act, Tiruvannamalai, on all working days at 10.30a.m., until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

20.03.2023

ham



Crl.O.P.No.6311 of 2023

WEB COPY

To

1. The Sessions Judge,
Special Court under POCSO Act,
Tiruvannamalai.
2. The Inspector of Police,
All Women Police Station,
Vandavasi,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6311 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6311 of 2023

20.03.2023