



Crl.O.P.No.11291 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11291 of 2023

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cheyyar All Woman Police Station,
Tiruvannamalai District.
Crime No.6 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.6 of 2023, on the file of
the respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2023, in connection with Crime No.6 of 2023 registered for the offence punishable under Sections 9(f), 9(i), r/w.10, 11 of POCSO Act, 2012, seeks bail.

2.The case of the prosecution is that the petitioner who is the school teacher had committed sexual assault on the victim girl and other students on several occasions, based on the complaint given by the School Head Master the complaint has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected in the alleged offence and he has been falsely implicated in the case. He would also submit that the petitioner is in custody for more than 47 days, hence, he seeks to enlarge the petitioner on bail.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no specific allegation against the petitioner. However, he opposed to grant bail to the petitioner.

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

6. 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**, each for a like sum to the satisfaction of the **learned Special Judge exclusive Trial of POCSO cases, Thiruvannamali**, 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 respondent police as and when required for investigation;

[c] the petitioner shall not abscond during trial;



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[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.

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dsa/anu



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To
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1. The Special Judge Exclusive Trial of POCSO cases,
Thiruvannamalai.
2. The Inspector of Police,
Cheyyar All Woman Police Station,
Tiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN,J.

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