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Crl.OP.No.25290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.25290 of 2023

Thulasiraman

..Petitioner

Vs

The State by the Inspector of Police,
All Women Police Station,
Kallakurichi,
Kallakurichi District.
Crime No.6 of 2022

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. pleaded to enlarge the petitioner on bail in relating to the case registered as Spl.S.C.No.109 of 2022 on the file of the respondent.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022 for the offences punishable under Sections 294(b), 342, 506(1), 307 of IPC, Sections 5(l), 5(m), 6, 9(1), 9(m), 10 of POCSO Act and Section 75 of



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the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.6 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the Headmaster of the school, where the daughter of the defacto complainant is studying, and he misbehaved with the victim girl. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner was awarded a meritorious certificate for the best teacher and he has been rendering his service as a Mathematics teacher without any adverse remarks of that locality for the past several years. While this is so, on 20.03.2022, the school management committee conducted awareness meeting in order to select the President for the School Management Committee since the tenure of the President of the School Management Committee come to an end. At that time, the defacto complainant Malliga asked the petitioner to recommend her name for the said post since the petitioner is the Secretary of the committee by virtue of he being the Head Master of the said school. However, the petitioner declined her request and left the option to the parents of the school students to elect the President of the school management Committee of their choice. Aggrieved by this, the defacto complainant had foisted this case against the



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petitioner with the help of the respondent police. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that this is the 5th bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court. He would also submit that the petitioner had undergone Angioplasty on 02.11.2023 and he is stable. Within one or two days, he will be discharged from the hospital. Hence, he opposed grant of bail to the petitioner.

5. It is seen that the petitioner fell ill due to his cardiac issues. Therefore, he was admitted into the Government Hospital, Cuddalore. Thereafter, he was shifted to the Government Hospital, Villupuram. The Chief Doctor advised to take him to the higher hospital for better treatment. Therefore, now, he has been shifted to Stanley Medical College and he had undergone Angioplasty on 02.11.2023.

6. A perusal of records revealed that the petitioner was arrested and



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remanded to judicial custody on 01.04.2022. The respondent had completed the investigation and filed a final report and the same has been taken cognizance in Spl.S.C.No.109 of 2022 on the file of the Trial Court and the trial has been commenced.

7. Taking into consideration the facts and circumstances of the case and also the medical grounds and also taking note of the period of incarceration sustained by the petitioner from 01.04.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Sessions Judge for POCSO Act cases, Villupuram** 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 appear before the Trial Court daily at 10.30 a.m without fail from 04.12.2023.

[c] the petitioner shall not abscond either during investigation or trial.



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[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 5560].

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

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G.K.ILANTHIRAIYAN, J.

mn

To

- 1.The Sessions Judge for POCSO Act cases, Villupuram.
2. The Inspector of Police,
All Women Police Station,
Kallakurichi,
Kallakurichi District.
3. Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

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