



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 08/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) . No.4441 of 2023

Balasubramanian

... Petitioner/Sole Accused

Vs

The State Rep.by,
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(In Crime No.44/2023)

... Respondent/Complainant

For Petitioner : M/s.Angusamy V,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.44/2023 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 31.12.2022 for the offences under sections 12 r/w.11(i) of POCSO Act in Crime No.44 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner with sexual intent caused harassment to the defacto complainant, hence the case

3. Heard. Perused the materials available on record including the First Information Report.

4. Even according to the case of prosecution the petitioner attempted to touch the body of the victim girl who is studying IX standard . The petitioner being school teacher he used to scold student in filthy language, for which this case has been registered.

5. Considering the facts and circumstances and also the period of incarceration, this court is inclined to grant bail to the petitioner , subject to the following conditions:



[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Tirunelveli and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

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

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-
08/03/2023

/ TRUE COPY /

08/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 The Principal Sessions Judge,
Special Court for Exclusive trial of cases under POCSO
Act, Tirunelveli
- 2 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, Tenkasi DISTRICT.
- 3 The Superintendent, Central Prison, Palayamkottai.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.ANGUSAMY V Advocate SR.No.3649.

ORDER
IN
CRL OP(MD) No.4441 of 2023
Date :08/03/2023