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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

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

CRL OP(MD) . No.5888 of 2023

Ramesh

... Petitioner/Sole Accused

Vs

The State:
The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukottai District.
(Crime No.3/2023) .

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar D,
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.3/2023 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 13.02.2023 for the offences under sections 363, 294(b), 341 and 506(i) of IPC and sections 9(f), 9(1) r/w.10 of POCSO Amended Act, 2019 in Crime No.3 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner who is the Assistant Head Master of Annavasal Government Higher Secondary School, Pudukottai District said to have taken one boy and three girls to kodaikanal stating that it was a school trip and said to have sexually assaulted one female child, hence the case.

<https://www.mca21.in>



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner is a Chemistry teacher cum Assistant Head Master of Annavasal Government Higher Secondary School, Pudukottai District. While being so, they arranged tour and finally five children agreed to come for tour. Thereafter the petitioner arranged car and had taken three female girls and one boy for tour to Kodaikanal and thereafter they returned back to school. Thereafter the petitioner called one of the victim to the lab and hugged her, whereas on perusal of the statement from one of the victim reveals nothing about the petitioner. One of the victim has stated that the said victim informed about the said incident. Taking into consideration the facts and submissions made by the learned counsels 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/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukottai 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. and 5.30P.M., until further orders.

[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].



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

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

AAV

TO

1. The Sessions Judge, Mahila Court, Pudukottai.
2. The Officer In-Charge, District Prison, Pudukottai.
3. The Inspector of Police,
All Women Police Station, Keeranur,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.5888 of 2023

Date : 29/03/2023

NA/MMS/SAR- /29.03.2023/3P/5C