



CRL OP(MD)No.19876 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19876 of 2023

Dhanabalan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Aruppukottai AWPS,
Virudhunagar District.
In Cr.No.24 of 2023

... Respondent/Complainant

For Petitioner : Mr.Jerin Mathew, Advocate

For Respondent : Mrs.M.Aasha,
Government Advocate(Crl.side)

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

PRAYER :-

For Bail in Crime No.24 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023



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for the alleged offence punishable under Sections 9(m), 9(f) r/w Sections 10, 11(i), 11(iii) r/w 12 POCSO Act, 2012 in Crime No.24 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein is a School Teacher and he is sexually misbehaved with the students. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 14.07.2023, hence he seeks bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent Police would submit that the investigation in this case is completed and charge sheet is also filed.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by



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the Honourable Supreme Court in *Sanjay Chandra and others vs. CBI* reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Spl.Court for exclusive trial of cases under POCSO Act, 2012, Srivilliputtur (FAC) and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.



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vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/11/2023

/ TRUE COPY /

15/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012,
SRIVILLIPUTHUR(FAC).
- 2 THE INSPECTOR OF POLICE
ARUPPUKOTTAI AWPS, VIRUDHUNAGAR DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19876 of 2023
Date :15/11/2023

SS/SAR- /15/11/2023/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023