



CRL OP(MD). No.22525 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2023

PRESENT

The Honourable Mr.Justice V.SIVAGNANAM

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Murugan

... Petitioner/sole Accused

Vs

The Inspector of Police,
Awps Ottanchatram Police Station,
Dindigul District,
Crime No.32/2023.

... Respondent/Complainant

For Petitioner : Mr.Althaf Sheriff, Advocate for
M/s.Ajmal Associates

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.32/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the



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respondent police for the offences punishable under Section 9(f), 9(m), 9(1) & 10 of POCSO Act and Section 323, 506(i) IPC in Crime No.32 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is serving as Headmaster in the School. It is alleged that while taking class, he touched the girl students inappropriately in the class room. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would further submit that the petitioner has got various promotions and eventually got a promotion as a Headmaster and he has not involved any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police has strongly opposed to grant anticipatory bail, however, he would submit that no previous case is pending against the petitioner.

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

6. When the matter is taken up for hearing, the learned Additional Public Prosecutor has produced a copy of the 164 statement, wherein, the victim has not stated sexual assault made by the petitioner and she has stated that while taking class, the petitioner has touched her chest only one time and no other allegation has



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made against the petitioner. Therefore, considering the facts and circumstances of the case and taking into consideration the principles stated by the Honourable Supreme Court in **Gurubaksh Singh Sibbia Etc., vs. State of Punjab** reported in **1980 AIR 1632** and **Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others** reported in **(2009)4 SCC 437** and **Joginder Kumar vs. State of U.P. and others** reported in **(1994)4 SCC 260** and taking into consideration the origin of crime, it is seen that the alleged offence against the petitioner is not a case of heinous crime. Further, the petitioner is having permanent resident at Dindigul District. Hence, the principles stated in **Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar** reported in **AIR 1979 SC 1360** is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for POSCO cases, Dindigul on condition that the petitioner shall execute a own bond for a sum



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of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioner shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on summons.

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

[d] the petitioner shall not abscond 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO CASES, DINDIGUL.
- 2 THE INSPECTOR OF POLICE
AWPS OTTANCHATRAM POLICE STATION,
DINDIGUL DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.22525 of 2023
Date :13/12/2023

SS/DD/SAR- /21/12/2023/5P/4C

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