



CrI.O.P.No.94 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.94 of 2024

P.Chinnarasan
S/o. Periyanna Gounder

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
(Crime No.17 of 2023)

...Respondent / Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.17 of 2023 on the
file of the respondent police.

For Petitioner : Mr.T. Saikrishnan

For Respondent : Mr. L. Baskaran
Govt. Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.11.2023 for the offences punishable under Sections 9(f) r/w Sections 10, 9(1) r/w Section 10 and 9(m) r/w Section 10 of the Protection of Child From Sexual Offences Act, 2012 in Crime No.17 of 2023, seeks bail.

2.The petitioner is a Headmaster of the Periyavadagampatti Panchayat Union Primary School. Three school students had complained about bad touch by the petitioner, leading to lodging of complaint and registration of First Information Report.

3.The learned counsel for the petitioner pointed out that the petitioner has been in service for the past 24 years and there has been no complaint of any nature against him.

4.The learned Government Advocate (Criminal Side) for the respondent, stated that the investigation has been completed and charge sheet has also been filed.



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5.Taking into consideration that the investigation has been completed and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner herein subject to the following condition.

6.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 Principal POCSO Court, Salem, 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] Initially, the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, before Special Court For Exclusive Trial of Cases Under POCSO Act, Salem, on every Monday at 10.30 a.m., apart from the Court hearing dates till framing of charges and thereafter, during the Court hearing dates.

[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.

05.01.2024

smv



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To

- 1.The Special Court For Exclusive Trial of Cases Under
POCSO Act, Salem.
2. The Central Prison, Salem.
- 3.The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN,J.

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