



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.421 of 2024

Mayilvaganan

...Appellant

Vs.

1. The Inspector of Police,
AWPS Omalur,
Salem District.
Crime No.19 of 2023.

2. V.Shanthi

...Respondents

Criminal Appeal filed under Section 14 A(2) of SC/ST Act, 2015 to set aside the order passed by the learned Sessions Judge, Principal POCSO Court, Salem in Crl.MP.No.245 of 2024 dated 14.03.2024 and enlarge the appellant on bail concerned in Crime No.19 of 2023 on the file of the first respondent police.

For Appellant : Mr.G.Punniakoti
For First Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

JUDGMENT

Challenging the dismissal order in Crl.MP.No.245 of 2024 dated 14.03.2024 passed by the learned Sessions Judge, POCSO court, Salem, this appeal has been filed seeking bail.

2. The Appellant/accused is in judicial custody since 22.11.2023 for the



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offences punishable under Sections 9(f), 9(l), 9(m) read with Section 10 of POCSO Act 2012 and Section 3(1)(W)(i) of SC/ST (POA) Act, 1989, in Crime No.19 of 2023 on the file of the first respondent police.

3. Heard the learned counsel for the Appellant, the learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent and perused the materials available on record.

4. The case of the prosecution is that the victim, who is a student, is aged about 10 years. The Appellant herein is working as a Teacher. On 03.11.2023, the appellant has given sexual harassment to the victim in the school campus by touching her breast and thigh. Hence, the Head Mistress of the school has lodged a complaint before the respondent police. Based on which, the appellant has arrested.

5. Learned counsel for the Appellant submitted that the appellant is innocent and the entire allegation is false and no such occurrence had happened and the Appellant is in judicial custody from 22.11.2023 onwards. Hence, he prays for grant of bail to the Appellant.



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6. It is seen that the victim girl has been produced before the learned Judicial Magistrate, Omalur and her statement under Section 164(5) Cr.P.C has been recorded, in which, she has not alleged any sexual harassment against the appellant. Further, there is not even a single allegation against the appellant by the victim relating to attraction of the provision of the POCSO Act. Considering the above facts and circumstances of the case and also considering the period of incarceration of the Appellant, this Court is inclined to grant bail to the Appellant.

7. Accordingly, the appeal is allowed and *the Appellant is ordered to be released on bail on his own bond* for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Sessions Judge, POCSO Court, Salem and the appellant shall appear before the respondent police as and when required for interrogation.

25.04.2024

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Note to office: Issue order copy on 26.04.2024

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No

To

1. The Sessions Judge of POCSO COURT, Salem.

2. The Superintendent, Central Prison,

Salem.

<https://www.mhc.tn.gov.in/judis>



3. The Inspector of Police,
AWPS Omalur, Salem District.

M.DHANDAPANI, J.

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4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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