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CRL O.P. No.24417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24417 of 2024

Sathish Kumar

... Petitioner / Accused 3

Vs

State rep. by
The Inspector of Police,
Valparai Police Station,
Coimbatore District.

(Crime No.105 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.105 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



CRL O.P. No.24417 of 2024

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 01.09.2024, for the offences punishable under Section 75(1) and 78 of BNS, 2023, and Section 4 of TNPHW Act, in Crime No.105 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner along with other accused, who are working as Lab Assistant, Part Time Professor, NCC Co-ordinator and Skill Trainer in Government Arts College, Valparai, alleged to have misbehaved with the final year studying girl students at various places in College. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner only advised the students to behave like a proper citizen, hence, a false complaint has been lodged against the petitioner. He would further submit that there is no previous case against the petitioner and no complaint has been given against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused, who are Lab Assistant, Part Time Professor, NCC Co-ordinator and Skill Trainer in Government Arts College, Valparai, misbehaved with the final year studying girl students at various places in College. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioner, no complaint was given by the affected persons against the petitioner, no previous case is pending against him and also taking into consideration the period of incarceration undergone by the petitioner, 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



CRL O.P. No.24417 of 2024

Thousand only) with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Valparai**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

03.10.2024

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CRL O.P. No.24417 of 2024

To
WEB COPY

- 1.The District Munsif cum Judicial Magistrate, Valparai.
- 2.Sub Jail, Pollachi.
- 2.The Inspector of Police,
Valparai Police Station,
Coimbatore District.
- 3.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.24417 of 2024

P.DHANABAL,J.
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CRL.OP.No.24417 of 2024

03.10.2024