



Crl. O.P. No.24796 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 12 and 21(1) of POCSO Act in connection with the Cr. No.6 of 2024 on the file of respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 24.08.2024, three students namely Mithun Jai, Hemaraj and Venkata Krishnan, the classmates of the defacto complainant's daughter, had made some verbal comments against the physical appearance of the defacto complainant's daughter and on hearing the same, the friend of the victim had also slapped a boy and further when the defacto complainant enquired with the other classmates, it came to know that the said classmates have morphed the photo of the defacto complainant's daughter and some other students and when the same was informed to the school authorities, there was no response and no action was taken by the School authorities. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the respondent police have registered a false case against these petitioners for the offences under Sections 12 and 21(1) of POCSO Act .



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As per the prosecution case, on 22.09.2024 at about 16 hours, the defacto

complainant lodged a complaint before the respondent stating that her children are studying in a private school, while so, on 24.08.2024, three students made some verbal comments about the physical appearance of the defacto complainant's daughter and hence she enquired about the same and through other classmates, she was informed that the said students had morphed the photo of the defacto complainant's daughter and some other students and when the same was informed to the school authorities, there was no response and no action was taken by the school authorities. In fact, these petitioners being the school authorities have no knowledge about the alleged occurrence and no information was given to them. The students were arrested immediately and these petitioners are innocent persons and they have not committed any offence. The 1st petitioner is the Principal of the Institution and other petitioners are the Staff of the School. Already a Civil suit has been filed as against the defacto complainant in O.A. No.280 of 2024 and this Court also granted an interim injunction on 10.04.2024 and it was periodically extended till 14.10.2024. In the civil suit pending between the parties for mandatory injunction, the defacto complainant was directed not to spread any defamatory statements against the petitioners' organization or any other educational institution. Therefore, the defacto



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complainant has filed the present complaint, based on which, a false case has been registered against the petitioners and hence he prayed to grant anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor / defacto complainant would contend that on 24.08.2024, the victim girl was abused by the co-students by morphing the photo of the victim girl and circulated the same to other students and also threatened the victim girl. On the next day, i.e., on 25.08.2024, the same was intimated to the class teacher and complained about the incident, but no action has been taken. The Staff of the School management called the victim girl for enquiry and insulted her and no action was taken as against the above said students, who indulged in the said activity. These petitioners, being the School authorities, even after knowing about the incident, have failed to lodge any complaint. Therefore, they have committed serious offence and investigation is at initial stage. Therefore, he prays to dismiss the petition.

5. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that the students of the petitioners' School have morphed the photos of the victim girl and also they circulated



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the same in the cell phone and the same was informed to one of the teachers in the School management, but they have not taken any steps and they have not lodged any complaint. Based on the complaint given by the defacto complainant, the FIR has been registered and the case is now under investigation and already statement of the victim was recorded, that the offences are grave in nature and hence, he strongly opposed to grant anticipatory bail to the petitioners.

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

7. Considering the representations made on either side, considering the fact that already the prime accused, who indulged in the main offences, were arrested and these petitioners, being the School authorities, supposed to inform about the incident to the concerned police, but as per the prosecution, they have not informed about the incident to the police, that already a civil suit is filed by the petitioners as against the defacto complainant and there is a dispute between the parties and there is no previous case pending against the petitioners, that there is no prima facie materials available as against the petitioners to show that the above said incident was informed to the School authorities and after knowing about



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the occurrence, they have failed to give complaint before the police, that the statement of victim was recorded, that even as per the prosecution case, they have informed about the incident to one of the teachers namely Shyamala, but no any evidence that these petitioners were informed about the incident and also considering the fact that there is no previous case pending against these petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court, Thiruvottiyur** on condition that the petitioner shall 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 Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 6.00 p.m. for a period of 30 days and thereafter as and when required for interrogation;



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[b] the petitioners 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 them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 B.N.S.2023.

19.10.2024
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- 1.The Judicial Magistrate, Thiruvottiyur.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, W-14 All Women Police Station, Thiruvottiyur.

P.DHANABAL,J
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