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CRL O.P. No.25137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.25137 of 2024

Jestin Vinothini W/o. Vimal Raj

... Petitioner / Accused

Vs

State represented by:-

The Inspector of Police,
All Women Police Station,
Krishnagiri, Krishnagiri District.
[Cr. No.32 of 2024]

.... Respondent / Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr . No.32 of 2024 on the file of the respondent police.

For Petitioner : Mr. Thiagarajan.B

For Respondent : Mr. R. Muniyapparaj,
Additional Public Prosecutor,
Assisted by Mr. Sylvester John

ORDER

The petitioner / Accused, who was arrested on 31.08.2024 and remanded to judicial custody on the same day for the offences punishable under Sections 323, 201, 506(i) of IPC and Sections 3(a), 4(2), 5(p), 6, 7,



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8, 11(4), 12, 21(1), 21(2) of POCSO Act and Section 67B of Information Technology Act, 2000 in Cr. No.32 of 2024 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 01.01.2024, one Sivaraman, who is A1, called the defacto complainant's daughter to his office for medical check up and had intercourse with her by force. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against this petitioner for the offences under Sections 323, 201, 506(i) of IPC and Sections 3(a), 4(2), 5(p), 6, 7, 8, 11(4), 12, 21(1), 21(2) of POCSO Act and Section 67B of Information Technology Act, 2000 and this petitioner was arrested and remanded to judicial custody on 31.08.2024. The case of the prosecution is that the victim girl, daughter of the defacto complainant, is studying in IX standard, while so, on 20.08.2024, when the defacto complainant enquired her daughter about the sexual assault caused on 12 years



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children in a private school, she started to describe about the assault caused on her that on 01.01.2024, one Sivaraman/A1 called her to his office for medical check up and had intercourse with her by force. Further, A2 Kamal, who is the Karate Master came to the NCC camp along with A1 and harassed the minor students sexually. The petitioner is a Principal of the School. Even as per the prosecution, she did not disclose about the alleged occurrence to the concerned authorities. In fact, the petitioner has not committed any offence as alleged in the FIR and no one informed about the alleged occurrence to the petitioner and in fact, the alleged occurrence took place in the month of June and July 2023, but the FIR has been registered in the month of August 2024. She is not a named accused in the FIR and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that on 21.08.2024, the defacto complainant lodged a complaint before the All Women Police Station, Krishnagiri and based on the complaint, FIR has been registered for the offences under Sections 323,



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201, 506(i) of IPC and Sections 3(a), 4(2), 5(p), 6, 7, 8, 11(4), 12, 21(1), 21(2) of POCSO Act and Section 67B of Information Technology Act, 2000. The statement of the victim was also recorded under Section 183(5) of B.N.S.S. before the concerned Court. Thereafter, the case has been transferred to the Special Investigation team and now the investigation is under progress. The investigation reveals that at the school of the victim from 28.06.2023 to 30.06.2023, fake NCC camp has been conducted by A1, in which A2/Kamal, A7/Sakthivel, A8/Subramani, Venkatesan and Laila have participated as trainers. On 29.06.2023, A1 has committed sexual harassment to the minor victim girl. A2 has also committed sexual harassment. A1 to A5 have been arrested and this petitioner is A3. She is the Principal and incharge of school and after knowing about the incident, she allowed A1 to conduct fake NCC camp from 28.06.2023 to 30.06.2023. Thereafter, she sent 17 students from her school to another school for the NCC camp conducted by the same A1. In that camp also, A1 had sexually harassed three minor victim girls and 4 victim boys. Investigation is at initial stage and hence he strongly opposed to grant bail to the petitioner.



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

6. Considering the rival submissions made on either side, considering the nature of offences, considering the fact that already the main accused died and all other accused were secured by the police, that even as per the prosecution, the alleged occurrence took place in the month of June 2023 and the complaint was lodged in the month of August 2024 and the specific overt act as against the petitioner as per the prosecution is that even after knowing about the incident, she did not inform the same to the concerned authorities and according to the petitioner, no information was given to the petitioner about the incident, that even as per the prosecution, the victim girl disclosed about the occurrence to her mother only in the month of August, considering the fact that there is no previous case pending against the petitioner and also considering the incarceration period of the petitioner from 31.08.2024, I am inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on



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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 learned **Sessions Judge, Fast Track Mahila Court, Krishnagiri** and on further conditions that:

[b] the petitioner shall report before the concerned POCSO Court on all working days at 10.30 a.m. until further orders.

[c] the petitioner shall not commit any offence 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 abscond either during investigation or trial;

[e] 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 or tamper with the evidence;

[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



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

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To

- 1.The Sessions Judge, Fast Track Mahila Court, Krishnagiri.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, All Women Police Station, Krishnagiri, Krishnagiri District.
4. The District Jail, Salem.

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