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Crl.O.P.No.29172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29172 of 2024

Ezhilraman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS-Thirumangalam Police Station,
Anna Nagar, Chennai.
(Crime No.34 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.34 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Veerasekaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 20.10.2024,



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seeking bail in Crime No.34 of 2024 registered for the offence under Sections 11(1), 11(4) and 12 of POCSO Act, 2012.

2. The case of the prosecution as per the minor victim girl xxxx, aged about 16 years, is that she is studying in 11th standard (Computer Science) at Vels Global School, J.J.Nagar East, Chennai, and that on the teacher's day i.e., on 05.09.2024, she had gone to the school wearing a Saree and that the petitioner/accused, who is the Commerce Teacher, told that she was looking beautiful in Saree and called her to take a selfie along with him. Subsequently, on 18.10.2024, when she was alone, the petitioner had asked her to come to his room and later, she came to know from her senior classmates that the accused had misbehaved with them and thereafter, on 19.10.2024, the accused had called her alone to his room and thereby, put her under fear. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and that a false complaint has been foisted against him. He would further submit that though the alleged incident



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said to have been happened on 05.09.2024 and subsequently a complaint was given on 20.10.2024 and even as per the complaint, there is no allegation of physical harassment . He would further submit that though the victim girl had stated about two other girls, they have not given any statement against the petitioner and he is custody from 20.10.2024 and major part of the investigation is over. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of bail to the petitioner, would submit that the petitioner, who is working as Commerce Teacher in Vels Global School, J.J.Nagar East, Chennai, had attempted to misbehave with the victim girl, who is studying 11th standard in that school and he had called her personally to come to his room.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of **Magalir Neethimandram, Tiruvallur District** 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] the petitioner shall stay at Katpadi and report before the Katpadi Town police daily at 10.30a.m., for a period of two weeks and thereafter, every Saturday at 10.30a.m., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;



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[d] the petitioner shall not tamper with evidence or witness during 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 269 of B.N.S.

21.11.2024

raa

To

1.Magalir Neethimandram,
Tiruvallur District.

2.The Inspector of Police,
AWPS-Thirumangalam Police Station,
Anna Nagar, Chennai.

3.The Superintendent,
Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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