



CRL OP(MD)No.3386 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04.03.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD)No.3386 of 2024

M.Jeyaraj

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Tenkasi Dsitric.
(Crime No.3 of 2024)

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash, Advocate

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.3 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.02.2024 for the alleged offence punishable under Section 323 IPC and Sections 11 (1), 12 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.3 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner herein is the Biology Teacher and for non-completion of record note, the petitioner slapped the girl students with stick. Hence, the complaint.



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3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner performed his duty as Teacher and the co-worker preferred a complaint as against the parents of the victim girl. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the co-worker also made a complaint as against the parents of the girl. He also produced the statement of the victim girl recorded under Section 164(5) Cr.P.C.

5.On perusal of statement reveals that there is no serious allegations made as against the petitioner herein.

6.Considering the above facts considering the fact that a counter case is pending and also considering the period of incarceration suffered 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police as and when required;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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04/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

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TO

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1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TENKASI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-2653[I] dated 04/03/2024)

ORDER

IN

CRL OP(MD) No.3386 of 2024

Date :04/03/2024

RS//SAR-(04.03.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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