



CRL OP(MD).No.4096 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Vinoth Kumar,

... Petitioner/ Accused

Vs

The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.
Crime No.03/2024

... Respondent/ Complainant

For Petitioner : Mr.A.B.JEEVA,
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.03/2024 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 07.02.2024 for the offence punishable under Sections 7 and 8 of POCSO Act, 2012, and 506(i) IPC, in Crime No.03 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant is studying at GIT

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Diploma and Nursing College and the petitioner is the Principal of the said College.

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On 06.02.2024, the accused approached the defacto complainant that he wanted to buy a water purifier for college purpose and the defacto complainant also went to the petitioner's house, during that time, the petitioner tried to misbehave with the defacto complainant. Hence, the complaint.

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 there are 80 students studying in the College and no allegation has been made against the petitioner. After the petitioner was remanded into judicial custody, another girl gave a false complaint against the petitioner and the same was registered in Crime No.4 of 2024 and the respondent Police tried to arrest the petitioner formally and submitted remand report before the trial Court. However, the trial Court refused to accept the remand report, since at the time of occurrence, the age of girl is below 18 years and alteration report was submitted before the trial Court. He would further submit that the petitioner is in judicial custody from 07.02.2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, being a noble profession, had tried to misbehave with the defacto complainant. Hence, he vehemently opposed for grant of bail.



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5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and the fact that there is no heinous allegation made against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following 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 Special Judge for POCSO Cases, Tirunelveli, 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 is directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(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



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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/-
15/03/2024

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15/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO
1 THE SPECIAL JUDGE FOR
POCSO ACT CASES, TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM,
TENKASI DISTRICT.

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

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ORDER
IN
CRL OP(MD) No.4096 of 2024
Date :15/03/2024

SA/SAR. /15.03.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.