



CRL OP(MD). No.7509 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/06/2024

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD). No.7509 of 2024

F.Charles,

... Petitioner/ Accused

Vs

The Inspector of Police,
All Women Police Station,
Vallioor,
Tirunelveli District.
Crime No.17/2024.

... Respondent/ Complainant

For Petitioner : M/s.Punitha Deva Kumar M, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.17/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioner in Crime



CRL OP(MD). No.7509 of 2024

No.17 of 2024 for the offence under Sections 9(1), 9(m), 9(f) and 10 of Protection of Children from sexual Offences Act, 2013, and remanded him into judicial custody on 17.03.2024. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner is a Head Master in RC Primary School in Prakasapuram, Thisayanvilai. He has misbehaved with three girl students aged about 10 and 9 years.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is aged about 57 years and having a 37 years of unblemished record in his service. This case has been foisted at the instance of one Teacher, Devi. He has also relied on a Medical Certificate issued by a Private Hospital that the petitioner is suffering from seizure disorder and is on regular anti-epileptic drugs.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that this is the second application filed by the petitioner for bail. The earlier application in Crl.OP(MD)No.6151 of 2024 was dismissed by this Court on



CRL OP(MD). No.7509 of 2024

WEB COPY

30.04.2024 considering the gravity of offence and also after considering the statements of the victims recorded u/s.164 CrPC. However, this petitioner has renewed this application, without any change in circumstances, during the Vacation Court and has obtained an interim order of bail on 24.05.2024, till 21.06.2024. Even after the expiry of this interim order, the petitioner has not surrendered. Therefore, this application u/s.439 CrPC cannot be entertained.

5. This Court considered the rival submissions made on either side and perused the materials placed on record.

6. The petitioner is a Headmaster of a School. The allegation against this petitioner is that he has misbehaved with his own Students. The victims in this case are three girl children (identified so far), aged about 9 and 10 years. The respondent Police has also produced the victim children before the POCSO Court and their statements were also recorded u/s.164 CrPC. After perusing this statements, this Court has rejected the earlier bail application filed by this petitioner in Crl.OP(MD) No.6151 of 2024.

7. As rightly pointed out by the learned Additional Public Prosecutor, this



CRL OP(MD). No.7509 of 2024

petitioner has moved this second bail application, within 15 days, without any change in circumstances, during the Vacation Court and also obtained an interim order of bail on 24.05.2024, till 21.06.2024.

8. When the matter was listed before this Court on 21.06.2024, this Court verified as to whether the petitioner has surrendered or not. It was reported by the investigation agency that the petitioner has not surrendered, even after the expiry of the interim order. Therefore, this Court, by order dated 21.06.2024, directed the petitioner to surrender immediately. The investigation agency was also directed to ascertain whether any departmental proceedings has been initiated as against this petitioner and as to whether the petitioner is still continuing as Headmaster and adjourned the matter to 27.06.2024.

9. When the matter came up for hearing today (27.06.2024), it is represented that the petitioner has not surrendered till date. The respondent Police has also not furnished the details, as sought for by this Court in the order dated 21.06.2024.

10. For this conduct of the petitioner, a Headmaster, in evading the due process of law by not surrendering, even after the expiry of the interim order of bail, an adverse inference has to be drawn as against him.



CRL OP(MD). No.7509 of 2024

WEB COPY

11. For the foregoing reasonings and discussions, this Court is inclined to dismiss this application. Moreover, this petition u/s.439 Cr.P.C cannot be entertained, since the petitioner is at large.

12. Accordingly, this criminal original petition stands dismissed. The Superintendent of Police, Tirunelveli, is directed to ensure that the petitioner is secured.

13. For reporting compliance, post the matter after four weeks.

sd/-
27/06/2024

/ TRUE COPY /

25/09/2024

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

LR

TO

1 THE JUDGE, SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER POSCO ACT,
TIRUNELVELI.



CRL OP(MD). No.7509 of 2024

- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VALLIOOR,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE SUPERINTENDENT OF POLICE
TIRUNELVELI.

ORDER
IN
CRL OP(MD) No.7509 of 2024
Date :27/06/2024

SS/SAR- /25/09/2024/6P/6C

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