



CRL OP(MD). No.21697 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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A.Moorthi

... Petitioner / Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.25 of 2024)

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 25 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012 and Section 351(2) of BNS, in Crime No.25 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl, who was studying 11th standard in the Government Higher Secondary School, was sexually tortured by the petitioner who was working as a teacher.

3. Heard the learned counsel on either side and perused the material records of the case.

4. This Court carefully went through the statement recorded from the victim girl under Section 183 of BNSS. On going through the entire statement, it is seen that the incident as projected by the victim girl is very improbable and there is something more than what meets the eye in this case. Apart from that, it is also seen that there is no other complaint against the petitioner in the school and he was one of the popular teacher in this school.

5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for POCSO Act Cases, Madurai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

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[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 BNS, 2023.

sd/-
10/12/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Judge, Special Court for POCSO Act Cases, Madurai.
2. The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.21697 of 2024
Date :10/12/2024

RK/SAR/ (19/12/2024) 5P/4C
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