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Crl.O.P.No.4770 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No.4770 of 2025

Rajkumar

... Petitioner/A-1

Vs.

State rep. by
The Inspector of Police
All Women Police Station
Vaazhapadi, Salem District
Crime No.3 of 2025

... Respondent/Complainant

Criminal Original Petition filed under Section 583 of BNSS Act, 2023, to enlarge the petitioner on bail in the event of his arrest in crime No.3 of 2025 on the file of the respondent police.

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

ORDER

The petitioner/A-1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 11(1) and 12 of POCSO Act, 2012, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner is working as a teacher in a school where the victim girl is studying; that the petitioner had called the victim girl and asked her for a sexual favour, for which, the latter is said to have refused; and that, a week thereafter, the victim girl lodged a complaint with the respondent police about the said incident.

3. The learned counsel for the petitioner would submit that the petitioner has been removed from the school; that the allegations are false; and that in any case, considering the nature of allegations, custodial interrogation is not required and sought for grant of anticipatory bail. The learned counsel would further submit that the co-accused/A-2 has been granted anticipatory bail by this Court in Crl.O.P.No.4097 of 2025 *vide* order dated 18.02.2025.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and would submit that action has been taken against the petitioner by the school authorities and submitted a copy of the statement of the victim girl recorded under Section 164 Cr.P.C. He would further submit that the petitioner may be directed to stay elsewhere, if this Court is inclined to grant anticipatory bail.



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5. Considering the nature of the allegations as aforesaid, the statement of the victim girl recorded under Section 164 Cr.P.C., the fact that action has been taken against the petitioner by the school authorities and therefore, there is no possibility of his interaction with the victim girl any more; this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. However, the petitioner shall stay at Vellore until further orders. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 (15) days from the date on which the order copy is made ready, before the **learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem**, 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 said Sessions Judge, on further condition 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 Aadhaar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall stay at Vellore and report before the Inspector of Police, North Police Station, Vellore, daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

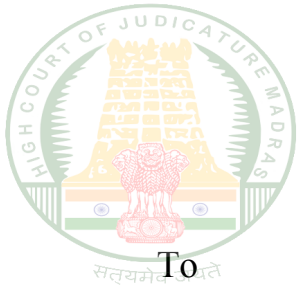
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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* reported in [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

27.02.2025

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To

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1.The Sessions Judge
Special Court for exclusive trial of cases under POCSO Act
Salem

2.The Inspector of Police
North Police Station
Vellore

3. The Inspector of Police
All Women Police Station
Vaazhapadi, Salem District

4.The Public Prosecutor
High Court of Madras



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SUNDER MOHAN, J.
gva

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