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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4748 of 2025

T.Sivakumar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Kangayam,
Tiruppur District.

(Crime No.3 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.3 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Manoharan

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 20.01.2025, seeking bail in Crime No.3 of 2025 registered for the offence under Sections 9(f), 9(m) r/w Section 10 of POCSO Act, 2012.

2.It is the case of the prosecution is that the petitioner was working as Science Teacher in a Government High School; that he had committed sexual assault on seven girl children studying 6th standard by touching them inappropriately and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations are false and that the petitioner has lost his job and the complaint was manipulated by his colleagues and in any case, considering the period of incarceration, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that investigation has been completed



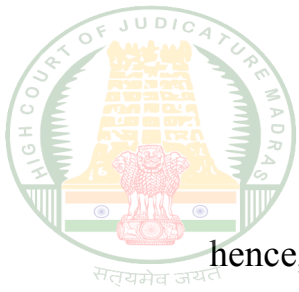
and final report is likely to be filed very soon.

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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, including the statement of the victim under Section 164 of Cr.P.C.

6. The statement of the victims under Section 164 of Cr.P.C., has been recorded. From the statement of the victims, it is revealed that the allegations against the petitioner is that he had committed sexual assault by either kissing or pinching the girl children in their hips and also touching other sensitive parts of the victims. The petitioner has lost his job and hence there is no possibility of interaction with the victims anymore. It is for the prosecution to establish the offences against the petitioner before the Trial Court. The investigation has almost been completed.

7. Considering the aforesaid facts, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation and



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hence, this Court is inclined to grant bail to the petitioner with certain conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur**, 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 shall stay at Salem and report before the Salem Town Police Station, everyday 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



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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 B.N.S.

25.02.2025

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Copy to:

1.The Inspector of Police,
All Women Police Station,
Kangayam,
Tiruppur District.

2.The Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur.

3.Central Prison, Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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