



Crl. O.P. No.7186 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.7186 of 2025

Alavudeen S/o. Hasan Mohamed (late)
Accused

... Petitioner /

Vs.

The State represented by:

The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
(Crime No.36 of 2025).

... Respondent

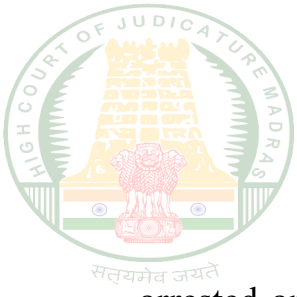
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.36 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. J. Ranjithkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was

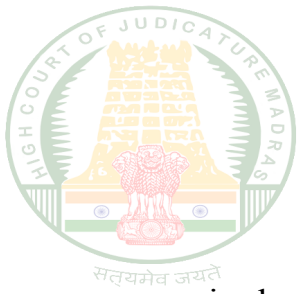


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arrested and remanded to judicial custody on 15.02.2025, seeking bail in Crime No.36 of 2025 registered for the offences under Sections 11(i), 11(iv) and 12 of POCSO Act.

2. The case of the prosecution is that the petitioner is a Tamil teacher in a Private school; that he had sent obscene messages and called the victim boy aged about 17 years to his residence privately; that when the victim boy questioned, the petitioner had sent the message in Tamil as "என்ன வரியா என கேட்டார். என்னை அவரது வீட்டிற்கு அழைத்தார். எதற்கு என்று நான் கேட்டதற்கு அதுக்குத்தான் என்று கூறினார். அங்கு வந்து நான் என்ன பண்ணுவது என கேட்டதற்கு உன்ன பண்ணத்தான் என்று கூறினார்", and thus, committed aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that since he had taken action against the students and since he had reprimanded the students and the victim, since the public examinations were nearing, a false complaint has been lodged against the petitioner; that there is no necessity for him to call a 17 years boy for any sexual favour; that the impugned complaint is false and that in any case, considering the period of incarceration of the petitioner, further custody of the petitioner is not



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required and hence prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and produced the copy of the statement of the victim recorded under Section 183 of B.N.S.S. He further submitted that the petitioner was dismissed from the School.

5. Considering the aforesaid facts, nature of allegations, the fact that the statement of the victim has been recorded and considering the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 **Sessions Magalir Neethi Mandram (Fast Track Mahila Court), Erode** and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 report before the respondent Police on every day 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 [(2005)AIR SCW 5560]*;

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



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SUNDER MOHAN., J.

mjs

To

1. The Sessions Magalir Neethi Mandram (Fast Track Mahila Court), Erode.
2. The Inspector of Police, Karungalpalayam Police Station, Erode District.
3. The Sub Jail, Erode.
4. The Public Prosecutor, High Court of Madras.

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