



Crl.O.P.No.12947 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12947 of 2025

1. Arumugam
2. Chinnasamy

... Petitioners

Vs.

State Rep. by,
The Inspector of Police,
All Women Police Station,
Bargur, Krishnagiri District.
(Crime No.6 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.6 of 2025, on the file of the respondent Police.

For Petitioners : Mr.B.Sundarapandiyan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on
05.02.2025 for the offences punishable under Sections 5(f), 6(1) of POCSO Act,

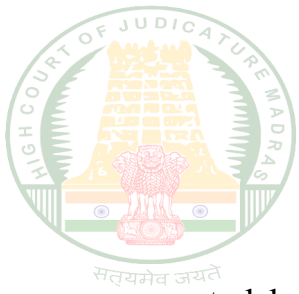


Crl.O.P.No.12947 of 2025

2012, 329(3), 351(2) of BNS in Crime No.6 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners/A1 and A2 are working as Maths and Science Teachers in the Government School, Bargur respectively. The victim girl in this case is studying VIII Standard student had informed her parents that the petitioners and yet another School Teacher Prakash/A3 had misbehaved and committed penetrated sexual assault on her. Hence the complaint.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners have been falsely implicated in this case. The petitioners are school teachers in the Government School, Bargur. The reason is that the petitioners were strict teachers who had shown some force to the students including the victim for proper study. He further submits that there are many girl students studying in the school and no one had lodged a complaint as against the petitioners. In the statement of the victim girl recorded under Section 164 of Cr.P.C, the victim girl has narrated that the above allegation is fabricated and it is highly dramatic. He further submitted that in this case, the co-accused/A3 was



Crl.O.P.No.12947 of 2025

granted bail by the Sessions Judge, Fast Track Mahila Court, Krishnagiri vide order dated 13.05.2025 in Crl.MP.No.158 of 2025. The petitioner is also a similarly placed accused. He further submitted that the petitioners were arrested on 05.02.2025. He also submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the petitioners in this case, based on the complaint given by the Head Master of the School, FIR has been registered against them. The victim is an VIII Standard Student who had narrated about the penetrative sexual assault committed by the petitioners and the co-accused. The victim was also produced for a medical examination and the Doctor had given a report, confirming that the petitioners have committed sexual assault on the victim girl. In 164 Statement, the victim has deposed about the petitioners committing sexual assault on her. He further submitted that investigation has been completed and charge sheet is made ready and soon to be filed. Hence, he opposed for granting bail to the petitioners.



CrI.O.P.No.12947 of 2025

WEB COPY

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds each for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned *Sessions Judge, Fast Track Mahila Court, Krishnagiri*, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;



WEB COPY



CrI.O.P.No.12947 of 2025

[c] the petitioners shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

14.05.2025

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



WEB COPY



Crl.O.P.No.12947 of 2025

M.NIRMAL KUMAR, J.

Vv

To

1. The Sessions Judge, Fast Track Mahila Court, Krishnagiri
2. The The Inspector of Police,
All Women Police Station,
Bargur, Krishnagiri District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.12947 of 2025

14.05.2025