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CRL O.P. No.12979 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.12979 of 2025

Sambath Kumar

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
AWPS Kongu Nagar,
Tiruppur District.

... Respondent

[Cr. No.17 of 2025]

PRAYER: - Criminal Original Petition filed under Section 483 of BNSS,

pleased to enlarge the petitioner on bail, in connection with the Crime

No.17 of 2025, pending investigation on the file of the respondent

Police.

For Petitioner : Mr. Elanjchezhien.J.

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER



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This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 25.03.2025, seeking bail in Crime No.17 of 2025 registered for the offences under Sections 9(l) read with 10 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the petitioner was working as a Teacher and was invigilating the examination, in which, the defacto complainant's daughter and other students were writing the examination; that under the guise of helping the victims, the petitioner touched the victims inappropriately, on the breast and shoulders and other parts and thus, the petitioner committed the aforesaid offences.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that the petitioner had accused the victims for copying in the examination and therefore, the victim had lodged this false complaint; that it is highly improbable that in the examination centre, the petitioner would be able to touch the victim girls



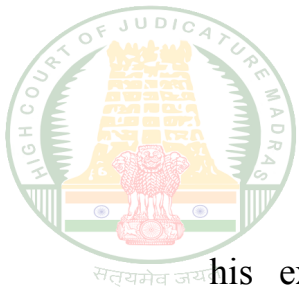
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inappropriately; that in any case, since the petitioner is suspended from the School, considering the period of incarceration and stage of investigation, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side), on instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and produced the copy of the statement of the victim recorded under Section 183 of B.N.S.S..

5. This Court perused the statement of the victims. It is seen from the statements of the victim girls that the petitioner had touched the defacto complainant's daughter inappropriately. Some of the victim girls have not specifically stated about the nature of misbehaviour of the petitioner. Considering the period of incarceration, nature of allegations, and since further custody of the petitioner is not required for the purpose of investigation, 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



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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 Court, Mahila 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 appear before the respondent police 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



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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.

29.04.2025

mjs

To

1. The Sessions Court, Mahila Neethimandram (FTMC), Tiruppur
2. The Inspector of Police, AWPS Kongu Nagar, Tiruppur District
3. The District Prison, Tiruppur.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN. J.,

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