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CrI.O.P.No.23101 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.23101 of 2025

Rajavel @ Rajavel Marimuthu

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
AWPS - Kallakurichi.

(Crime No.52 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.52
of 2025 on the file of the respondent Police.

For Petitioner : M/s.M.Kruthika

For Respondent : Mr.L.Baskaran
Government Advocate (Criminal Side)

ORDER

This case is a classic eye-opener for all stakeholders to understand and realize how the POCSO Act, which was enacted to protect children from sexual abuse, can sometimes be misused by certain vested interests.



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2.Initially on a complaint was given by one "x" aged about 17 years and studying in the 11th standard in a School at Kallakurichi District, where she was residing in the school hostel. Based on this complaint, the Headmaster of the School was implicated for offences under Section 10, 9 (f) of POCSO Act @ 10, 11 (1), 12, 9 (f) of POCSO Act.

3.Subsequently, a spate of complaints was received from nearly six other children, each one of them implicating a Teacher from the School. In particular, the petitioner, a Physics Teacher in the School was arrested on 02.08.2025, based on the information given by one child "Y" aged about 17 years.

4.The Judicial Magistrate has recorded the statement of the victim child under Section 183 of BNSS Act. In the statement, the child revealed the truth that the petitioner, a Physics Teacher, had once hit her in School for not being attentive in class. Therefore, to take revenge, she reported that the petitioner had held her hands and neck with bad intention. She thought that the Police would only warn the Teacher and let him go, but she did not expect that, based on her false statement, the Police would arrest the Teacher.



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5.This Court has also perused the statements of the other children, that each of whom implicated a Teacher in the School by making certain allegations which, even on their face value, would show that it has been tutored by someone. This Court after reading these statements and considering the manner in which the investigation was conducted feared that the persons who were supposed to carryout the spirit of the Act properly have, either due to ignorance, being swayed by sensitivity in the matter, or probably with some ulterior motive, mislead the children. As far as the alleged victim in this case is concerned, she came out with the truth when she was examined by the Magistrate and has spilled the beans saying that she had made grave allegations against this petitioner only because he was strict with her.

6.Considering the said fact, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned



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Special POCSO Judge, Kallakurichi, 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 petitioner shall report before the respondent Police as and when required for interrogation;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner 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]**;

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

20.08.2025

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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



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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.

To

1. The Special POCSO Judge, Kallakurichi.
2. The Inspector of Police,
AWPS - Kallakurichi.
3. The Superintendent,
Central Jail, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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