

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2106 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused to release him in the event of his arrest in connection with Crime No.33 of 2017 of Begum Bazaar Police Station, Hyderabad, registered for the offences punishable under Sections 354 and 323 IPC, apprehending his arrest in the above crime.

2. The case of the prosecution is that on 27.01.2017 at about 11:30 A.M., while one A.Nagamani, the *de facto* complainant, who is working as Sweeper in Manoranjan Complex in Postal Department, was cleaning window near AC-3 Section, III Floor, Manoranjan Complex, the petitioner, who is Senior Assistant in the office, came her back side and touched her navel, then she shouted. All of a sudden, the petitioner became angry and beat her with hands on her neck. The said incident was witnessed by one Bhagya, who is LDC in the same office. Thus, he committed offences punishable under Sections 354 and 323 IPC.

3. Learned counsel for the petitioner submits that when the *de facto* complainant attended duty late in time, he questioned the same, then she foisted a false case as an after thought, i.e., after delay of nearly six hours from the time of alleged incident and it gives rise to any suspension; stating so, he further requests this Court to impose any condition, otherwise the petitioner will be placed under suspension and action will be taken against him and to avoid such suspension, he prayed to grant pre-arrest bail to the petitioner.

4. Learned Public Prosecutor contended that allegations made in the complaint would amount to a serious offence i.e., sexual harassment of a woman employee at work place, and such person is disentitled to claim pre-arrest bail.

5. No doubt both the petitioner and the *de facto* complainant are working in the same office. But, the *de facto* complainant is a lady Sweeper discharging her duties as casual employee in the Postal Department and her duty is to clean the premises as a Sweeper. But, while she was cleaning the window in AC-3 Section, the petitioner allegedly touched her navel from her behind and on raising cries, he beat her on her neck with hands. If this statement is true, the offence allegedly committed by the petitioner is serious one. The contention of the petitioner is that she came late in time to the office, when she was questioned by the petitioner, she foisted a false case against him. The Attendance Register would show the time of her attendance to the work, but no such document is produced at least to establish *prima facie* that she attended the office late in time and on such questioning, she foisted a false case. As the offence is of serious in nature, more particularly sexual abuse of a woman employee at the work place, I find no ground to enlarge the petitioner on pre-arrest bail and consequently, the petition is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed.

M.SATYANARAYANA MURTHY,J

Date:17.03.2017
INL