



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of September Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15480 of 2018

1 HELAN M PERDITA
2 KALPANA

... PETITIONERS/ ACCUSED 1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.83 OF 2018.

... RESPONDENT / COMPLAINANT

A.SETHUROWTHRI

... PETITIONER/
DEFACTO COMPLAINANT'S MOTHER

For Petitioners: Mr.S.SURESH KUMAR ISAAC PAUL, Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Govt. Advocate (Crl. Side)

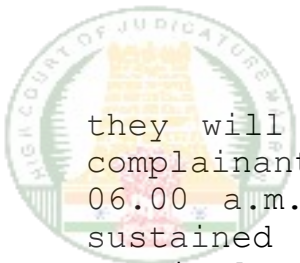
For Intervenor : Mr.P.KALYANARAMACHANDRAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 306 and 511 of I.P.C., in Crime No.83 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a B.Sc., Nursing first year student of Apollo Nursing College, Eliyarpatti, Madurai and while she was undergoing clinical training at Apollo Hospitals, Madurai, one male Nurse wrote a love letter that he wishes to marry the defacto complainant and placed the said letter in her note-book. Without knowing the same, the defacto complainant went to the class room and her class teacher Kalpana, who is the second petitioner herein noticed the said letter and handed over it to the Principal, who is the first petitioner herein. Due to the said letter, she suffered harassment. When the defacto complainant insisted for Transfer Certificate from the college, the petitioners threatened her and also demanded Rs.7 lakhs for giving Transfer Certificate and also for internal marks, failing which,



they will fail the defacto complainant. Therefore, the defacto complainant attempted to commit suicide on 27.07.2018 at about 06.00 a.m., by jumping from the third floor of her college and sustained injuries. Thereafter, she got admitted at Apollo Hospitals, Madurai. Hence, the complaint.

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3.The learned counsel appearing for the petitioners would submit that the first petitioner is the Principal of the Apollo College of Nursing, Eliyarpatti, Madurai and the second petitioner is the class teacher of the defacto complainant. The entire allegation alleged in the complaint is false and frivolous one. In fact, by the letter dated 27.02.2018, the Tutor of Madurai Apollo College of Nursing written to the Principal stating that the defacto complainant tried to attempt suicide on 27.02.2018 at about 12.45 p.m. and it was prevented by other teacher and two students and the same was immediately informed to the mother of the defacto complainant. Her mother also informed that the defacto complainant attempted so many occasions to commit suicide. Therefore, she was sent along with her mother and also not permitted to continue her studies, due to her uncertain behaviour. Thereafter, on request of her family members, again, she was permitted to continue her studies. Even then, her behaviour is abnormal and also she has suffered from depression. Therefore, she was evaluated by Psychiatrist and as per his opinion, the defacto complainant has fear of depression and also prescribed medicines. Due to her depression, the defacto complainant confused and went to blood bank instead of to go other department and for which, she submitted a letter dated 17.04.2018 for excuse. Thereafter, on 26.04.2018, the Faculty incharge found her note book and there is pocket diary, in which, a letter written by one Ranjith, Staff Male Nurse and the same was immediately reported by the Faculty incharge. By the letter dated 30.04.2018, again, the defacto complainant submitted her letter for excuse. In the said letter, the college management noted that the parents of the defacto complainant informed that on so many occasions, the defacto complainant attempted to commit suicide. Finally, by the letter dated 07.05.2018, the father of the defacto complainant requested the management to pardon her activities and prayed to admit her in the college. Therefore, the entire allegations are false and the petitioners has nothing to do with the alleged commission of offence and prayed for anticipatory bail.

4.The learned counsel appearing for the intervenor/defato complainant would submit that the defacto complainant is the eldest daughter of her family and they paid a sum of Rs.1,60,000/- for the 1st semester and joined in the Apollo Nursing College, Eliyarpatti, Madurai. It is false to state that the pocket diary, which was kept in her notebook written by one Ranjith, Male Nurse and he wishes to marry her. Further, he would submit that the defacto complainant was affected by small pox during the month of July and as such, she gone for leave. After recovery, on 27.07.2018, she went to the college to submit her practical note book. At that time, the



petitioners refused to receive her note book and threatened her not to allow her to write forthcoming examination. Thus, she will be made to fail in the first year. As such, the defacto complainant begged for three hours to accept her practical notebook. But, the petitioners refused to receive the same and abused her with filthy language and also threatened her to destroy her future. Therefore, the defacto complainant jumped from the third floor of her college to commit suicide. Therefore, she sustained spinal cord damage with multiple injuries and fracture of both knees and bones. She is now bedridden and taking treatment. Thus, she vehemently opposed the grant of anticipatory bail.

5.The learned Government Advocate (criminal side) would submit that only because of the harassment and cruelty done by the petitioners, the defacto complainant attempted to commit suicide. She would further submit that three hours before the committal of suicide, the defacto complainant was scolded and threatened by the petitioners and refused to receive her practical notebooks. Therefore, the petitioners are only the reason to instigate the defacto complainant to commit suicide and she also opposed the grant of anticipatory bail.

6.Heard both sides and perused the materials available on records.

7.Perusal of the documents submitted by the petitioners would show that on 27.02.2018 itself, the Tutor of Madurai Apollo College of Nursing written a letter to the first petitioner herein stating that the defacto complainant attempted to commit suicide and the same was reported to the parents of the defacto complainant and also directed the parents to take her and not permitted to continue her class, due to her uncertain behaviour. It is also seen that the defacto complainant was mentally evaluated by Psychiatrist and he opined that she has fear of depression and prescribed medicines to her.

8.On 17.04.2018, the defacto complainant herself written a letter for excuse. It is also seen from the letter dated 26.04.2018, the Faculty incharge of the college reported that she found the pocket note book containing letter written by one Male Nurse, who expressed his wishes to marry the defacto complainant. The defacto complainant further written a letter to the first petitioner dated 30.04.2018 to excuse her mistake committed by her. In fact, the said information was also intimated to her parents and noted that the defacto complainant had repeatedly attempted to commit suicide. On request of the father of defacto complainant, it seems that the defacto complainant was admitted to the college again.

9.As alleged by the prosecution, there is no peace of evidence to show that the defacto complainant was affected by small pox and while she was returning to college on 27.07.2018, the petitioners



refused to receive her practical note book and also threatened her to fail in her examinations. That part, the petitioners already attempted to commit suicide and the class teacher and other students were stopped her.

10. The earlier incidents were duly informed to the parents of the defacto complainant and also it is seen from the letter written by the father of the defacto complainant, he requested the management to excuse the activities of the defacto complainant. Even then, the parents of the defacto complainant did not take any steps to prevent the defacto complainant from attempting suicide. While being so, on 27.07.2018, early morning, she jumped from the third floor of the college and sustained grievous injuries. Thereafter, the management of the Apollo Nursing College admitted her in the Apollo Hospitals and giving treatment till today.

11. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner on the following terms:

(i) the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned;

(ii) further the petitioners shall appear before the respondent police as and when required for interrogation.

(iii) The Apollo College of Nursing, Eliyarpatti, Madurai shall give proper treatment to the defacto complainant till she gets recovered entirely;

(iv) the Apollo Hospitals shall not discharge the defacto complainant without prior permission from this Court;

(v) The management of the Apollo College of Nursing, Eliyarpatti, Madurai shall not take any disciplinary action against the defacto complainant for the attempt of suicide;

(vi) The authorities of the Apollo Hospitals shall file a report before this Court once in a week i.e. on every Monday with regard to the treatment given to the defacto complainant.

(vii) Any one of the conditions stipulated above is violated, the anticipatory bail granted to the petitioners shall stand cancelled.

The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



12. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

27/09/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

1. THE OFFICER INCHARGE,
APOLLO COLLEGE OF NURSING,
ELIYARPATHI, MADURAI.
2. THE OFFICER INCHARGE,
APOLLO HOSPITALS, MADURAI.

+1. CC to Mr.S.SURESH KUMAR ISAAC PAUL Advocate SR.No.18424

ORDER

IN

CRL OP(MD) No.15480 of 2018

Date :27/09/2018

MS/PN/SAR-2/03.10.2018/5P.8C