

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	27.04.2019
Date of Judgment	30.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLICrl.A(MD)No.158 of 2019

O.Elangovan : Appellant/Accused

Vs.

1.The Deputy Superintendent of Police,
Karur Town,
Karur District.

2.The State rep. by
The Inspector of Police,
All Women Police Station,
Karur.

: R1 and R2/Complainants

3.Deepa

: 3rd Respondent/
De-facto complainant

Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order, dated 01.04.2019 made in Crl.M.PNo.399 of 2019 on the file of the Principal Sessions Judge, Karur and enlarge the appellant on bail in connection with the Criminal case in Crime No.1/2019 on the file of the Second Respondent.

For Appellant : Mr.Veerakathiravan
Senior Counsel
for Mr.M.Palani Raja
For R1 and R2 : Mr.A.Robinson
Government Advocate
(Criminal side)
For 3rd Respondent : Mr.R.Alagumani

JUDGMENT

This Criminal Appeal has been filed against the order, dated 01.04.2019 made in Crl.M.PNo.399 of 2019 on the file of the Principal Sessions Judge, Karur and enlarge the appellant on bail.

2.The Appellant, who was arrested and remanded to judicial custody on 26.03.2019 for the offences punishable under Sections 354 (A), 506(i) IPC and Section 4 of Tamil Nadu Women Harassment Act,



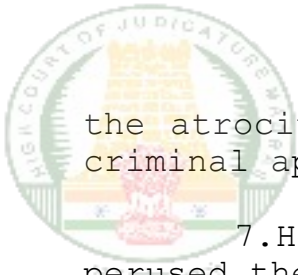
2012 r/w 3(i) (w) (i) & (ii) of SC/ST (POA) Act, in Crime No.1 of 2019 on the file of the 2nd respondent police, seeks appeal bail.

3.The de-facto complainant has lodged a complaint before the 2nd respondent police on 26.03.2019 stating that she and her college friends, namely Divya, Kavina, Helan and Monika were sexually harassed and outrage their modesty by one Elangovan, the Head of the Department of Economics of the Government Arts College, Karur, on 09.03.2019 at the room situated at the college premises for the HOD, after threatened the de-facto complainant with dire consequences.

4.The learned counsel appearing for the appellant/accused submitted that the appellant/accused is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged occurrence and that the appellant/accused is in jail for the past one month and there is no previous antecedent as against the appellant and he is only bread-winner of the family and prays for allowing the appeal.

5.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that earlier bail application filed by the appellant was dismissed by the Sessions Court and that the appellant is the HOD of Economics Department, Government Arts College, Karur and he is a womanizer and used to call the female students to his separate room and sexually abused them and the appellant has picked up the identity card of the de-facto complainant and called her to his separate room and kissed her and squeezed her breast and also attempted to sexually abused her and immediately, the de-facto complainant came out of the room and lodged this complaint along with other students and in this case, the investigation is pending and if he is released on bail, he will tamper the witnesses and prays for dismissal of the criminal appeal.

6.The learned counsel appearing for the 3rd respondent submitted that on 09.03.2019 at about 03.00 pm, the de-facto complainant and her friends went to the room of the appellant for submitting record note and at that time, the appellant gave signal to her for waiting there for some-time and thereafter, when she was waiting alone, he closed the door and asked to come near him by showing her identify card and when she went near him, he wear the identify card through her head in an indecent manner and he touched her hip and chest and forcefully touched several parts of her body and kissed her and due to the unexpected incident, she suddenly escaped from the clutches of the appellant and came out from the room and thereafter, he called through mobile phone and threatened her to meet him and asked about her dressing and the alleged occurrence was informed by the de-facto complainant to her parents and on 25.03.2019, the father of the de-facto complainant went to the college for giving complaint to the Principal and at that time, the appellant threatened the father of the de-facto complainant to receive the transfer certificate of the daughter from the college and subsequently, the classmates of the de-facto complainant told



the atrocity done by the appellant and prays for dismissal of the criminal appeal.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

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8. It is seen from the records that the de-facto complainant has lodged a complaint on 26.03.2019 stating that she and her college friends were sexually harassed and outrage their modesty by the appellant, at the room situated at the college premises and also threatened with dire consequences.

9. It is also seen from the records that the occurrence was informed by the de-facto complainant to her parents and on 25.03.2019, the father of the de-facto complainant went to the college for giving complaint to the Principal and at that time, the appellant threatened the father of the de-facto complainant and restrained his daughter to receive the transfer certificate from the college and subsequently, the classmates of the de-facto complainant also told the atrocity done by the appellant and in this case, the investigation is pending. The offence is grave in nature and the case is premature. Hence, at this stage, this court is not inclined to grant the relief as sought for by the appellant.

10. In the result, the Criminal Appeal is **dismissed**.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Karur.
2. The Deputy Superintendent of Police,
Karur Town,
Karur District.
3. The Inspector of Police,
All Women Police Station,
Karur.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to: The Section Officer, (records)
<https://hcservices.ecourts.gov.in/hcservices/>
Criminal Section, (2 Copies),
Madurai Bench of Madras High court, Madurai



+1 CC to Mr.M.PALANIRAJA, Advocate (SR-64393[F] dated 30/04/2019)

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