



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3744 of 2019

NIRMALA DEVI

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CBCID., SPECIAL UNIT,
VIRUDHUNAGAR DISTRICT
(CRIME NO.1/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.PASUMPONPANDIAN Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is the first accused in Crime No.01 of 2018. She has been charged in the aforesaid crime by the respondent police for the alleged offences under Sections 370(3), 370(a), 120(b) r/w 370(3) and 354(A) IPC and Section 5(1)(a) and 9 of ITP Act, 1956 and Section 67 of Information Technology Act, 2000 and Section 4 of TNPHW Act and she has been arrested and remanded to judicial custody from 17.04.2018. She seeks bail.

2.It is the case of the prosecution that the defacto complainant by name Ramasamy, who is the Secretary of Devangar Arts College, Aruppukottai, gave a complaint before the respondent police stating that four girl students, namely, Archana, Geetha, Lavanya and Rubadevi, those who are all studying B.Sc., III year Maths in the above college come forward to submit a complaint, against this petitioner, who is one of the faculty member of Maths Department, alleging that the petitioner induced through phone calls and whatsapp message to the four girl students to do sexual co-operation with the higher officials of Madurai Kamaraj University, who are expected girl students for them sexual commitment in some certain circumstances. If the students consent with the commitments of



Madurai Kamaraj University's higher officials, they would be either benefited or obtained marks from the examination and financially. Thereby, the Law Enforcing Agency registered the said case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. In the present case, the petitioner is the first accused and other two persons, who are the Professors in the Madurai Kamaraj University, were arrested and remanded to judicial custody. Subsequently, they have approached this Court, seeking bail. However, this Court dismissed the said bail application and thereafter, they have approached the Hon'ble Apex Court and the Hon'ble Apex Court granted bail to the accused 2 and 3. He would further submit that investigation is already over and the respondent police has already filed charge sheet before the competent Court, in which there is no apprehension either tampering the evidence or witness. Hence, he prayed for bail to the petitioner.

4. The learned Additional Public Prosecutor for the State did not dispute the facts submitted by the learned counsel for the petitioner and he would submit that investigation is completed and he has no objection for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that the accused 2 and 3 were already enlarged on bail, investigation is completed and charge sheet has already been filed before the competent Court, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar and on further condition that:

(a) the petitioner is directed to co-operate with the trial and she would not give any interview to the T.V. Channels or any private persons;

(b) 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;

(c) the petitioner shall report before the learned Judicial Magistrate No.I, Virudhunagar, as and when required;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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



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]**; and;
(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/03/2019

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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,
VIRUDHUNAGAR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR.
 - 3 THE INSPECTOR OF POLICE,
CBCID, SPECIAL UNIT,
VIRUDHUNAGAR DISTRICT.
 - 4 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.PASUMPONPANDIAN Advocate SR.No. 4707

ORDER
IN
CRL OP (MD) No.3744 of 2019
Date :12/03/2019

MYR
JM/VR/SAR 2/12.03.2019/3P/7C