

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.15497 of 2020

S.Sundarrajan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
(Cr.No.1528 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.1528 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 189, 298, 353, 500 & 506 (2), 509 of IPC r/w. 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1528 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant/Additional Collector (Revenue), Villupuram, is that the first accused was working as Special Tahsildar for Stamps, in Villupuram District and that he had indulged in several irregularities, malpractices and had also collected a sum of Rs.84,00,000/- as illegal gratification/bribe by flouting the rules. Based on the complaint, vigilance enquiry was initiated against him. After initiation of enquiry, the petitioner/first accused had met the defacto complainant and threatened her not to go ahead with the enquiry. However, three vigilance enquiries were initiated against the petitioner/first accused and they were pending. Whiles, the defacto complainant had received two letters and two notices, which contained outrageous, indecent, grossly offensive and vulgar in content containing false and frivolous information with an intention to inflict mental and psychological pain and social embarrassment to deter the defacto complainant from discharging her duties as a social servant. Thereby, the defacto complainant had suspected that the

first accused and the other two accused are responsible for the letters and had given the complaint against the accused persons.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to employment rivalry and due to the instigation of the members of the Rival Association. He would submit that the petitioner is working as Tahsildar in the Government of Tamil Nadu and he was also elected as State General Secretary to the Tamil Nadu State Revenue Officials Association. The petitioner, as a General Secretary of the Association, had approached the defacto complainant in respect of certain grievances. Whereas, the defacto complainant being a superior officer, had acted in high handed manner and had also treated the members of the petitioner's Association disrespectfully and their grievances were also not attended by her. Thereby, the petitioner's Association had sent a re-presentation against the defacto complainant to the Chief Secretary, Government of Tamil Nadu on 13.12.2019 and the copies of the complaints were also sent to all the superior authorities. Whiles, as a counter blast, a false complaint has been given against the petitioner with false allegation as if the petitioner is a corrupt person.

4 The learned counsel would further submit that in fact based on the alleged complaint, an enquiry was initiated against the petitioner and detailed enquiry was conducted by the District Backward Class and Minority Welfare Officer with respect to the allegations against the petitioner. After a detailed enquiry, the petitioner was absolved of the charges against him and the enquiry officer has also given his report to the District Collector, Cuddalore on 31.08.2020, finding that the petitioner was absolved all the charges. The defacto complainant, in order to wreck-vengeance, had given a false complaint against the accused persons, as if the alleged letters were written by the petitioner and the other accused to her. He would submit that even as per the FIR, it was only a suspicion. He would reiterate that the petitioner's association has sent the complaint on 13.12.2019, wherein, the petitioner had specifically stated that if the defacto complainant does not change her attitude, the association had proposed to stage demonstrations, Dharna, wearing black badges against the Additional Collector and that the complaint is only a counter blast.

5 The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant is an Additional Collector (Revenue), working in the Collectorate, Villupuram and that since, there was allegation against the first accused, who was working as Stamps Tahsildhar, the defacto complainant had taken action against him. He would submit that earlier, the petitioner/1st accused had threatened the defacto complainant not to take action against him and since, the defacto complainant had continued with the action, the petitioner along with other accused had sent annoyance letters, containing outrageous, indecent, grossly offensive and vulgar in content containing false and frivolous information with an intention to inflict mental and psychological pain and social embarrassment to deterring the defacto complainant from discharging

her duties as a social servant. He would further submit that investigation is pending. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

6 Heard both sides and perused the documents enclosed in the typed set of papers and material on record.

7 Taking into consideration the facts and submissions of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8 Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of this order is made ready, before the Additional Mahila Court, Villupuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed automatically and on further conditions that:

[a] the petitioner and 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.

[b] the petitioner shall report before the Judicial Magistrate, Villupuram every day at 10.30 am for a period of one week and thereafter appear before the respondent Police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9 With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,
VILLUPURAM.

2 THE JUDICIAL MAGISTRATE
VILLUPURAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.S.SARAVANA KUMAR Advocate on payment of necessary charges Sr.6605

CRL OP.15497/2020

Date :01/10/2020

RVR 12/10/2020

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