



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11208 of 2021

Ramkumar

... Petitioner/Accused
Rank not known

Vs

State represented by
The Inspector of Police,
Thirupalai Police Station
Madurai District

Crime No. Not Known of 2021. ... Respondent/Complainant

For Petitioner : Mr.Navaneetharaja.K,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

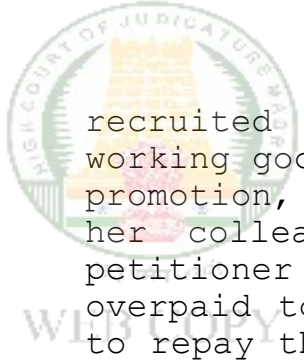
For Anticipatory Bail in Crime No. Not Known of 2021 on the
file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent
police for the alleged offence punishable under Section 294(b) I.P.C
and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act,
2002,in Crime No.Not known of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running
a trust and nursing home in the name of M/s.Meel Home Nursing. The
defacto complainant was working as a care taker in the institution.
During the course of her employment, the petitioner misbehaved with
the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that in
the year 2019, the defacto complainant was employed as a care taker
in the said institution and thereafter, she proposed to recruit
their family members. Based on their qualification, they were also



recruited in the institution. Since the defacto complainant was working good, she was promoted as Manager for care takers, but after promotion, she turned into very adamant and exposed hardness with her colleagues. Further, she received advance amount from the petitioner more than her salary and a sum of Rs.78,500/- was overpaid to the defacto complainant. When the petitioner asked her to repay the said amount, the defacto complainant informed that she wanted to resign her job and she would repay the amount within a short period. She also gave a resignation letter to the petitioner and based on the same, she was relieved from service on 17.07.2021. Thereafter, she approached the petitioner and wanted to rejoin in the petitioner's institution, but, the petitioner refused to accommodate her. Due to the same, the defacto complainant threatened the petitioner that she would commit suicide in front of the office, for which, the petitioner lodged a complaint before the respondent police. When the enquiry is pending in that complaint, the defacto complainant has foisted a false complaint as against the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the defacto complainant's own brother and sister are even now working in the said institution. The defacto complainant alone was removed from service and she lodged the present complaint. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court (Magistrate Level), Madurai 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 learned Magistrate concerned 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

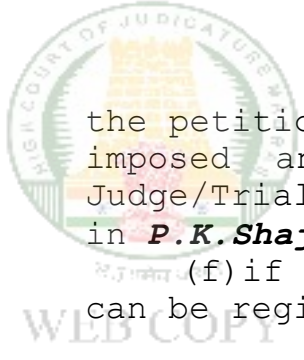
(b)the petitioner shall report before the respondent police as and when required for interrogation.

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

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

<https://hcservices.ecourts.gov.in/hcservices/>

(e)on breach of any of the aforesaid conditions, the learned Judge/ 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 Judge/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;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
13/09/2021

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/ /2021

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

MSA

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE ADDITIONAL MAHILA COURT
(MAGISTRATE LEVEL), MADURAI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
THIRUPALAI POLICE STATION
MADURAI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.11208 of 2021
Date : 13/09/2021

VB/JC/SAR.I/23.09.2021/3P/5C