



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :27.04.2022

Pronounced on :05.05.2022

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl.M.P.No.4912 of 2022

in

Crl.O.P.No.7199 of 2022

Sophiya Rajakumari

.. Petitioner/Defacto Complainant

/versus/

1.The Station House Officer,
Nellikuppam Police Station,
Cuddalore District.
Crime No.220 of 2022

..Respondent/Complainant

2.Anand Baskaran

..Respondent/Accused/Petitioner

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to cancel the bail granted to the second respondent order in Crl.O.P.No.7199 of 2022 dated 29.03.2022.

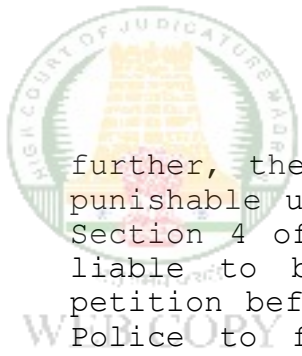
For Petitioner :Mr.R.Sankara Subbu

For Respondents :Mr.S.Santhosh, G.A. For R1
Mr.Karun & Uday for R2

O R D E R

The defacto complainant in Crime No.220/2022 on the file of the first respondent police has filed this petition to cancel the anticipatory bail granted to the second respondent/accused by this Court vide order dated 29/03/2022.

2.The defacto complainant contends that the anticipatory bail petition before the High Court was filed suppressing the fact that a petition for the same relief pending before the Sessions Court and



further, the petitioner being a Public Servant involved in offences punishable under Sections 294(b), 354(D)(1)(i) and 506(i) of IPC and Section 4 of TamilNadu Prohibition of Women Harassment Act, 1998 is liable to be placed under suspension. Further, she has filed a petition before this Court to appoint a competent women Inspector of Police to fairly investigate the case and the said petition is pending. Therefore, for the said reasons, the anticipatory bail granted by this Court has to be cancelled.

3.The learned counsel for the petitioner/defacto complainant further submitted that the anticipatory bail order passed based on the lopsided investigation done by the respondent. In CrI.OP.No.7251/2022, this Court has directed the District Superintendent of Police to transfer the investigation in Crime No.220/2022 to the All Women Police Station, Cuddalore, by order dated 31/03/2022. The reason stated for granting anticipatory bail to the person accused of sexual harassment in work place adds injury to insult.

4.The learned counsel appearing for the second respondent/accused was put to notice and he has filed his counter with documents.

5.The learned Government Advocate (CrI.Side) was directed to file Status Report on the allegations made in the petition to cancel the bail. Accordingly, Status Report filed.

6.From the documents produced and the Status Report, this Court finds that the allegation of the defacto complainant that the accused filed anticipatory bail petition before High Court, when his petition for anticipatory bail was pending before the Sessions Court is factually incorrect and made with intention to prejudice this Court. In fact, the anticipatory bail petition filed by the accused in CrI.M.P.No.1616/2022 before the Sessions Court was dismissed on 24/03/2022. Thereafter, the accused has moved an anticipatory bail petition before the High Court. The petition prepared on 25/03/2022 and filed before this Court on the same day.

7.As far as the second ground is concerned, it is correct that the defacto complainant has filed petition to transfer the investigation and the same was ordered on 31/03/2022 to the effect transferring the investigation from the regular police station to All Women Police Station. This order came to be passed subsequent to granting Anticipatory bail.

8.This Court in the anticipatory bail order dated 29/03/2022 at para 2 has observed, "Perused the Case Dairy file and the statements of the witnesses recorded by the respondent. The Case Dairy File indicates that since the Management thought fit to transfer the defacto complainant for her immoral attitude, this complaint has been



filed against the petitioner, who is the Head Master of the School."

9. The Status Report filed by the 1st respondent herein reveals that the complaint was earlier investigated by then Sub-Inspector of Police Mr. L. Premkumar. Later, the Deputy Superintendent of Police, vide order dated 15/03/2022 appointed Mr. J. Ashokan, Inspector of Police to investigate the case. The said Inspector of Police has taken up the investigation and recorded statements of the witnesses and the defacto complainant.

10. From the investigation, it is found that this is a false complaint against the accused as counter blast to the disciplinary action taken by the Management. The counter filed by the accused along with the documents are disclosing the reasons for the action taken against the defacto complainant. These documents give an impression that the complaint might have been filed with ulterior motive.

11. In any case, the reasons stated by the defacto complainant to cancel the anticipatory bail granted are either factually incorrect or fails to stand the test of reasoning.

12. For the aforesaid reasons, this Criminal Miscellaneous Petition for cancellation of bail is dismissed.

-sd/-

05/05/2022

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,
CUDDALORE DISTRICT.

2 THE STATION HOUSE OFFICER,
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges SR.6788

Order
in
CRL MP.4912/2022

in
CRL OP.7199/2022

Date :05/05/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 23/05/2022