



Crl.OP.No.27315 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 354 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.301 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Regina is that, she is working as a Office Assistant at Cuddalore Port from the year 2012 on contractual basis. From the year 2015, the accused was working as Very High Frequency Operator at Cuddalore Port and he had sexually abused her and misbehaved with her and later taken an intimate video and threatened to upload the same in the social media. When the defacto complainant had requested him not to abuse her, the accused had removed her from the service. Thereafter, the defacto complainant sent a legal notice to the accused on 22.02.2021 and that the accused had suppressed the actual facts and sent a reply on 29.03.2021. Thereby, the defacto complainant had filed a complaint seeking action. Based on which, the case has been registered. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the defacto complainant was working as an Office Assistant on contract basis in the Cuddalore Port. She had misbehaved with several staff and several complaints were brought to the petitioner. Thereby, the petitioner had directed the Contractor to remove her from service. While so, on 22.02.2021, the defacto complainant has sent legal notice to the petitioner containing false allegations. The petitioner had also sent reply notice through his counsel on 29.03.2021. While so, the defacto complainant had given a complaint to the Superintendent of Police and enquiry was conducted by him and finding that the allegations of the defacto complainant were false, the said complaint was closed. Subsequently, the defacto complainant has given a complaint before the State Women Commission, Chennai and the same was forwarded to the respondent for registration of case. He would further submit that the petitioner is aged about 59 years and he has put in unblemished service in the Cuddalore Port Trust and since he has taken action against the defacto complainant for her misbehaviour with the other staff, a false complaint has been given. He would also submit that based on the complaint, the petitioner has also been compulsorily retired. The petitioner is also facing this case. Hence, he prays to grant anticipatory bail



to the petitioner.

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4. The learned Government Advocate (Crl. Side) would submit that the petitioner is working as a Officer in the Cuddalore Port Trust had misbehaved with the Office Assistant from the year 2015 and when she had refused to budge his demands he had threatened to upload her private videos. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the submissions made by both counsel and perused the materials available on record including the notice between the parties.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Additional Mahila Court, Cuddalore* on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 and on further condition 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 respondent police every day at 10.30 a.m for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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.

10.11.2022

Vv

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