



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

Dated: 31/01/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.762 of 2022

Tensing Balaiah

... Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
AWPS-Srivilliputhur,
Virudhunagar District.
(Crime No.19 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Karunanidhi, Advocate.
For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. side)

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-For Bail in Crime No.19 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested and remanded to judicial custody on 01.12.2021 for the offences punishable under sections 354, 354(A) IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.19 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is working as Senior Professor and also NCC Captain in Ayya Nadar Jankiyammal College, Sivakasi. In the month of August 2021, when the petitioner and other NCC students were segregating subject papers at College, the petitioner behaved with the de-facto complainant in an unwanted ways and touched her hands. Hence, this case.

3.Heard both sides.

4.Reading of the FIR as well as hearing of the learned Government Advocate (Criminal side) shows that there was a



continuous attempt on the part of the petitioner to misbehave with the de-facto complainant.

5.The learned Government Advocate (Criminal side) would submit that the petitioner was working as NCC captain and taking advantage of his position, he misbehaved with the de-facto complainant and other girls students.

6.Reading of the FIR further shows that this petitioner is involved in misbehaving with the de-facto complainant. It is nothing, but it is a clear case of ill-treatment and harassment, etc., upon the de-facto complainant.

7.It is the further contention on the part of the prosecution that the petitioner being the captain of the NCC, he ought to have behaved properly with the girls students.

8.No doubt, there is a improper and misbehaviour on the part of the petitioner with the girls students. But the petitioner is in custody from 01.12.2021. Now major portion of the investigation might have been over by this time. Even though the allegation against the petitioner is serious in nature, he is entitled for statutory bail within one or two days.

9.Considering above facts and circumstances of the case and also considering the period of incarceration, this court is inclined **to enlarge the petitioner on bail** with certain conditions.

10.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate (Mahila) Court, Srivilliputhur and on further condition that the petitioner shall report before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioner is also directed to stay away from the place of occurrence until further orders.

sd/-
31/01/2022

/ TRUE COPY /

31/01/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 JUDICIAL MAGISTRATE (MAHILA) COURT,
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AWPS-SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, ARUPUKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.762 of 2022

Date :31/01/2022

ER

MK/JM/SAR.II/31.01.2022/3P/6C