



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1064 of 2022

Alagu Ramakrishnan ... Petitioner/Accused (Single)

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.
(Crime No.1/2022).

... Respondent/Complainant

Ramalakshmi ... Intervenor

For Petitioner : M/s.Anand R,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Pon Karthikeyan, Advocate

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

PRAYER :-

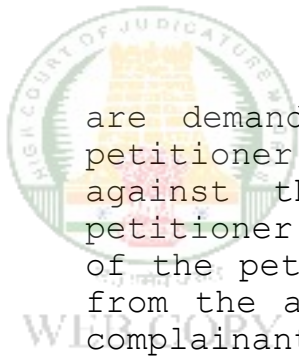
For Anticipatory Bail in Crime No.01 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 354A(1) (i), 354A(1)(ii) and 506 (i) of I.P.C, seeks anticipatory bail.

2. The case against the petitioner is that on 02.11.2021, at about 11.00 am., the petitioner misbehaved with a lady/defacto complainant, who was working in his house. A case in Crime No.1 of 2022 was registered against the petitioner under Sections 354A(1) (i), 354A(1)(ii) and 506 (i) of I.P.C. The petitioner filed this petition for anticipatory bail.

3. On the side of the petitioner, it is stated that there is a family dispute between the petitioner and his two sons. The sons



are demanding partition, they want to grab the business of the petitioner. Only on their instigation, a false case was foisted against the petitioner. The allegation levelled against the petitioner is that the defacto complainant was working in the house of the petitioner for the past 22 years and the allegation is that from the age of 14 years, ie., for the past 22 years, the defacto complainant was sexually assaulted by the petitioner. But, this complaint was lodged only 20 years after the date of first occurrence.

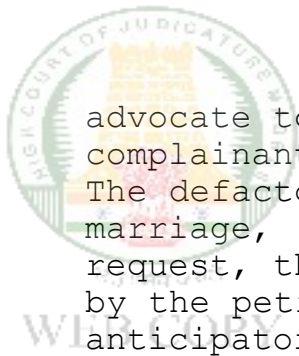
4. Even after getting marriage, the defacto complainant was working in the house of the petitioner and her husband was also engaged as a watchman in the same house. The allegation is that the petitioner try to touch the hand of the defacto complainant. The present allegation is that he misbehaved with the defacto complainant, on 02.11.2021. But the complaint was lodged only after two months from the date of the last occurrence.

5. Another complaint was filed by another lady, who was working in the supermarket that was run by the petitioner. The allegation in that complaint is that he asked for the phone number from that lady, in that case, the petitioner was arrested, during the pendency of an anticipatory bail petition. Only with the motive to grab the business, the sons of the petitioner instigated the defacto complainant and another lady, to lodge the complainants against the petitioner. The sons are filing several cases against the petitioner, so that, he could not run the business. Now, the sons are running the supermarket and prayed the petitioner to be released on anticipatory bail.

6. On the side of the respondent, it is stated that from the age of 14, the defacto complainant was harassed by the petitioner and only recently, she came forward to file a complaint and there is another case pending against the petitioner and prayed the petition to be dismissed.

7. On the side of the intervenor / defacto complainant, it is stated that the defacto complainant is a house maid of the petitioner/ accused. She was continuously tortured by the petitioner. Belated complaint is not a reasonable ground, there is another woman, who has also lodged a complaint against the petitioner, in that case, the petitioner was remanded. There is a life threat to the defacto complainant. If the petitioner is released on anticipatory bail, the petitioner is likely to tamper the witness. Due to family circumstances, the defacto complainant is working in the house of the petitioner and prayed the petition to be dismissed.

8. By way of reply, on the side of the petitioner, it is stated that the complaint is filed after 23 years. If poverty is the <https://hcservices.mca.gov.in/hcservices/> defacto complainant is now capable of engaging an



advocate to intervene the bail petition. The address of the defacto complainant given in the complaint is the house of the petitioner. The defacto complainant was married in the year 2003, even after the marriage, she has not come forward to file a case. Only at her request, the husband of the defacto complainant was given employment by the petitioner's wife and prayed the petitioner to be released on anticipatory bail.

9. It is seen that the case registered against the petitioner is that she misbehaved with the defacto complainant for the past 23 years. But the defacto complainant has come forward to file this complaint, only now, that is after a lapse of two months from the last date of occurrence. Even now, the defacto complainant is working in the house of the petitioner. The address of the defacto complainant is the house of the petitioner.

10. Considering the nature of the offence and considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Srivaigundam, Thoothukudi District, and 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 Magistrate concerned and the petitioner shall appear before the concerned Court, daily at 10.30 am for a period of 15 days and thereafter, as and when required by the police and by the Court, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

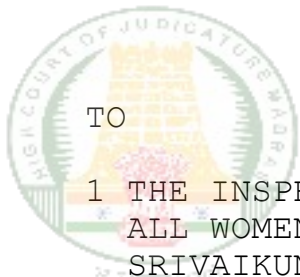
12. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
28/01/2022

/ TRUE COPY /

/ /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



TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAIGUNDAM,
THOOTHUKUDI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
SRIVAIGUNDAM, THOOTHUKUDI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1064 of 2022
Date :28/01/2022

RS/SBN/SAR.3(07.02.2022) 4P-5C