



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.2064 of 2022

Veeragandhi

... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
DCB, Dindigul.
Cr.No. 31 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Deenadhayalan.S,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

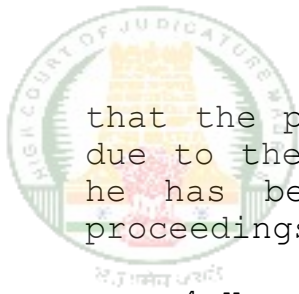
For Anticipatory Bail in Crime No.31 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 354(A), 354(D), 509 IPC and Section 67 (A) IT Act r/w 4 of TNPHW Act, in Crime No.31 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one xxxxxx, Woman Constable attached to the Keeranur Police Station, Palani Sub Division appeared before the Chairman, Visaka Committee, at about 11.00 am, on 15.09.2021 and alleged that the petitioner, who was working as Inspector of Police, Keeranur Police Station, had frequently harassed her by making allegations with regard to her performance of official duty and also frequently sent unwanted messages through whatsapp.

3.The case of the petitioner is that he has never committed any offence as alleged by the respondent, that the said woman constable was not proper in performance of her official duties and the same was questioned by the petitioner, that the petitioner had warned her many occasions for her lethargic work, due to which, she has preferred a false and untenable complaint against the petitioner,



that the petitioner is having unblemished service records and that due to the said complaint, he has been transferred and thereafter, he has been suspended from service and is facing disciplinary proceedings.

4. Heard Mr.S.Deenadayalan, learned counsel for the petitioner and Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

5. It is evident from the records that the woman constable has appeared before the Visaka Committee on 15.09.2021 at about 11.00 am and gave a written complaint alleging that the petitioner had been sending messages through whatsapp, abusing and defaming her. The Visaka Committee has conducted enquiry and came to the conclusion that the petitioner has caused sexual harassment to the said woman constable and on the basis of which, the Chairman of Visaka Committee has lodged a complaint with the Superintendent of Police, Dindigul, who in turn forwarded the same to the respondent police, who in turn registered the case in Crime No.31 of 2021 for the offences punishable under Sections 354 (A), 354(D), 509 IPC and 67 (A) IT Act and under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

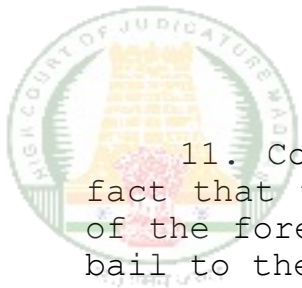
6. The learned Counsel for the petitioner would submit that this Court has already dismissed the first application of the petitioner, that the petitioner is still under suspension and that since the investigation might have been completed by this time, the petitioner may be released on anticipatory bail.

7. The learned Additional Public Prosecutor appearing for the State would submit that the investigation is almost completed, except the receipt of the forensic report.

8. No doubt, as rightly pointed out by the learned Counsel for the petitioner, in pursuance of the directions of this Court, the petitioner, during the pendency of the earlier petition for anticipatory bail, has handed over the two mobile phones to the learned Additional Public Prosecutor, who in turn had handed over the same to the Investigating Officer, who was present in the Court at that time.

9. It is not dispute that the mobile phones have sent to the Forensic Laboratory and according to the learned Additional Public Prosecutor, report is awaited.

10. No doubt, as rightly pointed out by the learned Counsel for the petitioner, this Court while dismissing the earlier application has also observed that since the mobile phones have been handed over by the petitioner, custodial interrogation is not necessary, but at the same time, that by itself was not a ground to grant anticipatory



11. Considering the above facts and circumstances and also the fact that the investigation is almost completed, except the receipt of the forensic report, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

12. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Dindigul 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 daily at 10.30a.m., for period of 30 days and thereafter as and when required for interrogation.

(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;

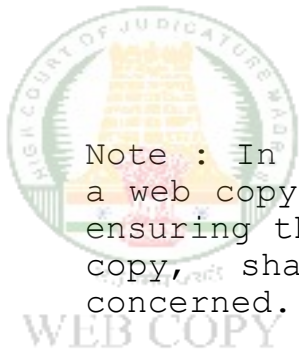
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
04/02/2022

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/ /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,
ADDITIONAL MAHILA COURT, DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
DCB, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2064 of 2022
Date :04/02/2022

SS/SBN/SAR-III/09.02.2022 : 4P/5C