



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 28/03/2022

PRONOUNCED ON: 05/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5162 of 2022

G.Joesph Jeyaseelan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
represented by
The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai City.
(Crime No.5 of 2022)

... Respondent/Complainant

Shanthi

... Petitioner/Intervener
(in Crl.MP(MD)No.4099/2022)

For Petitioner : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates,

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

For Intervenor : Mr.M.Venkatesan, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 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, 354A and 509 IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002, and Section 28 of the Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013, in Crime No.5 of 2022, seeks anticipatory bail.



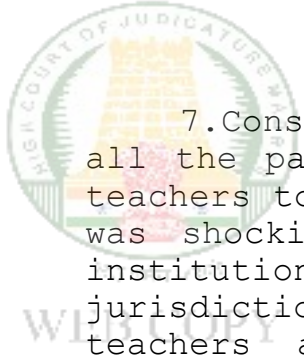
2.The case of the prosecution is that the petitioner/accused, who is working as headmaster, had caused mental harassment and sexual harassment at the working place to the defacto complainant and another teacher, who were working as teacher under the petitioner/accused. Hence, the complaint.

3.Admittedly, the petitioner is working as headmaster/secretary of Sundarambal Middle School, Keeradurai, Madurai District.

4.The defacto complainant and another teacher were deputed to the petitioner's school from Jeya Primary School, Madurai, and they have joined duty on 04.01.2022 and 21.12.2021 respectively. Subsequently District Educational Officer (DEO), on the basis of the report submitted by the Block Educational Officer (BEO), has initiated proceedings dated 02.03.2022 for cancelling the deputation.

5.The petitioner's case is that since there existed previous enmity between the Block Educational Officer (BEO) and the petitioner, in order to take revenge on the petitioner, the Block Educational Officer (BEO) has submitted a report to the District Educational Officer (DEO) on 23.02.2022 stating that the deputed teachers had made complaints against the petitioner with serious allegations, that the District Educational Officer (DEO) has issued the proceedings cancelling the deputation attaching stigma on the petitioner and that therefore the petitioner was forced to file a writ petition, in W.P.(MD)No.4106 of 2022, challenging the cancellation of deputation.

6.In the said writ petition, the petitioner, apart from the Educational Authorities, has also impleaded the said two teachers, whose deputation to the petitioner's school was cancelled, as respondents 5 and 6 and this Court, at enquiry, has raised question on what basis the petitioner had impleaded the respondents 5 and 6. The learned Judge, in the order passed in W.P.(MD)No.4106 of 2022, has recorded the submission made by the learned Additional Advocate General that there are serious allegations of sexual harassment against the writ petitioner and frequent complaints are received by the Educational Authorities, that even the respondents 5 and 6 submitted letters to the concerned Educational Authorities in respect of the sexual harassment made against them, that the Block Educational Officer - II, Madurai, has submitted a report and based on that, the deputation was ordered to be cancelled by the District Educational Officer (DEO) and that the orders passed by the District Educational Officer (DEO) itself revealed that the deputed teachers were serving in the school with great difficulties and the petitioner has given continuous harassment to the said teachers. The learned Judge has further recorded that the respondents 5 and 6 have also reiterated that the petitioner made frequent calls to them and sexually harassed.



7. Considering the submission made by the learned counsels for all the parties and perusing the letters submitted by the deputed teachers to the authorities, the learned Judge, by observing that it was shocking to the conscious of the Court that in educational institution such occurrences are frequently happening, directing the jurisdictional police to register the letters of the deputed teachers as complaints and directed the investigation should commence immediately and also directed the Educational Authorities to relieve the said two teachers and also directed the Educational Authorities to constitute an internal committee under Section 4 of Women Harassment Act and an enquiry is to be conducted parallelly in respect of sexual harassment in work place.

8. In pursuance of the directions of the learned Judge, the above FIR came to be registered in Crime No.5 of 2022 for the offences under Sections 354, 354A and 509 IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002, and Section 28 of the Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

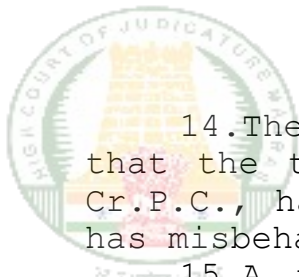
9. The learned Senior Counsel appearing for the petitioner would submit that all the allegations levelled by the said teachers are false and baseless, that the petitioner's wife and his own sister are working as teachers in the said school and that the said two teachers, in collusion with the Block Educational Officer (BEO) against whom the petitioner made a complaint of illegal demand, had lodged the above complaint falsely implicating the petitioner.

10. The learned Government Advocate (Criminal Side) would submit that the petitioner has sent several voice messages to both the teachers and he has produced a Pen-Drive containing the voice messages and also produced the copy of the transcript of the voice messages.

11. The defacto complainant has narrated some of the incidents, wherein, the petitioner has directed the teachers to dance in front of him by wearing jeans and T-shirt and he offered costly jeans and T-shirt and that the petitioner has subsequently told the defacto complainant that she should arrange the other teacher, who is a widow, as a wife for one day to him and after that she will also be.

12. Since the teachers were not responding to him, the petitioner, by finding fault with the works done by the teachers, had scolded them frequently and gave block mail threats.

13. According to the teachers, the petitioner in order to achieve his illegal goal of sexual whims, he used to call them to the headmaster's room and without any reason he asked them to stand for long time and again and again insisted them to arrange the other teacher for his sexual desire.



14.The learned Government Advocate (Criminal Side) would submit that the teachers, in their statements recorded under Section 164 Cr.P.C., have also narrated the incidents, in which, the petitioner has misbehaved with them.

15.A perusal of the statements and the other materials now collected would disclose a *prima facie* case against the petitioner/accused and as rightly contended by the learned Government Advocate (Criminal Side), since the genuineness of the voice messages and other messages are to be ascertained, the matter requires to be investigated further.

16.Considering the above facts and circumstances and also the seriousness and gravity of the offence alleged against the petitioner and also the fact that investigation is pending as stated by the learned Government Advocate (Criminal Side), this Court is not inclined to grant anticipatory bail to the petitioner.

17.In the result, this Criminal Original Petition is dismissed.

Sd/-

05/04/2022

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Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN, MADURAI CITY.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.VENKATESAN Advocate SR.No.3009

ORDER

IN

CRL OP(MD) No.5162 of 2022

Date :05/04/2022