



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/10/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) No.8627 of 2022

SIVA @ ANTONY RAJA JEYARAJ

... PETITIONER/ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.115/2022).

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.GUNASEKARAN, Advocate
For Respondent : MR.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)
For Intervenor : MR.R.PON KARTHIKEYAN, Advocate

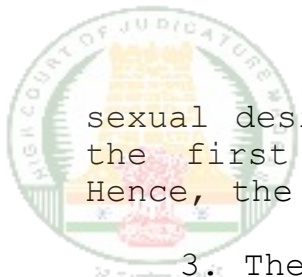
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.115 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 294 (b), 354-A, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime.No.115 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was undergoing first year B.Sc., Computer Science in PSN College, Melapidiyur, Tirunelveli District under the Government Quota seat. At that time of admission, the college administration promised that no fee is required to be paid. But, one point of time the Principal asked her to remit the fess Rs.18,000/- and also threatened her if the fee is not paid, she is not permitted to write examination and she will be dismissed from college. When the same was enquired by her father, he was abused and insulted. The petitioner herein approached her instead payment of fee, for sexual desire and the same was informed by her to the Principal and that the Principal warned A2. Due to the said vengeance, the petitioner herein spreading false news against her. A1 called her to the chamber and insulted her and also abused her stating that she must satisfy their



sexual desire. Because of the mental torture, she jumped from the first floor of the college and suffered serious injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was issued with Hall ticket for the semester examination. He would further submit that while enquiring about the reason for her falling down, the management came to understand that the defacto complainant is having in complete relationship with the other students. When the said news was slowly leaked under the apprehension that the Management may take disciplinary action against her, she has given a false complaint.

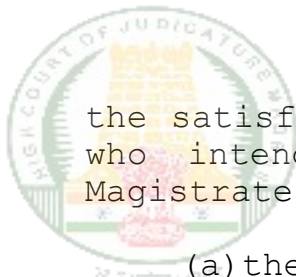
4. He further submitted that this Court by order, dated 11.07.2022 directed the College Administration to pay a sum of Rs.2,50,000/- to the defacto complainant on behalf of the petitioner to the livelihood and medical treatment during her recovery period. When the matter was posted for reporting compliance, the College Administration has filed Modification petition in Crl.M.P(MD).No. 9320 of 2022 stating that the de facto complainant is taking treatment only in the Government Hospital and the College Administration is also facing financial difficulty to meet out the expenses of the college. This Court by order, dated 24.08.2022 disposed the petition by reducing the amount to Rs.1,50,000/- and posted the matter for reporting compliance. He further contended that the Management has complied the said condition paying a sum of Rs.1,50,000/- by cash to the defacto complainant on 17.10.2022 and he has also filed a memo to that effect.

5. The learned counsel appearing for the intervenor submitted that the de facto complainant has received the amount and he seeks direction of this Court to hand over the Transfer certificate of the defacto complainant without any adverse remarks.

6. The learned Government Advocate (Crl.Side) would submit that it is a serious nature of allegation and the investigation of the case is going on. Hence, the custodial interrogation of the petitioner is necessary and he strongly opposed to grant anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case and also considering the fact that earlier order of this Court, dated 24.08.2022 is complied with, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of 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 No.I, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties, each for a like sum to



the satisfaction of the respondent Police or to the Police who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 appear before the respondent police daily at 10.30 am until further orders;

(c) the Management is directed to handover the Transfer Certificate of the defacto complainant within a period of two weeks from the date of receipt of a copy of this order, without any adverse remarks.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

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

sd/-

17/10/2022

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/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
PSN COLLEGE, MELAPIDIYUR, TIRUNELVELI DISTRICT

ORDER IN

CRL OP(MD) No.8627 of 2022

Date :17/10/2022

TRP

<https://www.mca.gov.in/27.10.2022/3P/6C>