



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 14/06/2022
PRONOUNCED ON : 17/06/2022
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9884 of 2022

M.Murali

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
Crime No.4 of 2022.

... Respondent/Complainant

Jeyanthi Krishna

... Petitioner/Intervener
In Crl.MP(MD).6565/2022
in Crl.OP(MD).9884/2022

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.R.Anand, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.G.Thalaimutharasu, Advocate

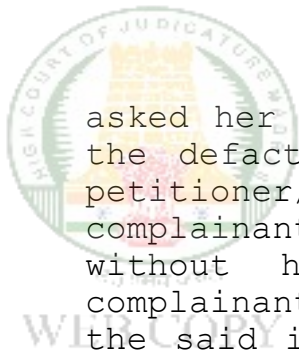
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory bail in Crime No.4 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 Section 354 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.4 of 2022, on the file of the respondent police, seeks anticipatory bail.

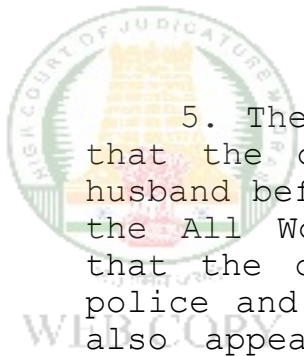
2. The case of the prosecution is that the defacto complainant, after shifting their family to Kovilpatti from Thoothukudi during the month of May 2022, she joined as Nursing Staff at Sri Murali Hospital, Kovilpatti run by the petitioner/accused on 20.05.2022, that within 3 days from the joining the duty ie., on 23.05.2022 at 10.30a.m., the petitioner/accused called the defacto complainant and



asked her to accompany with him for visiting the wards, that while the defacto complainant was going along with the petitioner, the petitioner/accused tried to misbehave with her, but the defacto complainant opposed for the same, that the petitioner/accused without hearing the same, had forcibly hugged the defacto complainant, that the defacto complainant had immediately informed the said incident to other staff nurse Anitha and to other staffs Maris and Keerthi, that subsequently the petitioner had asked her to remain with him, while treating outpatients, that when the defacto complainant had refused for the same, the petitioner/accused had terminated the services of the defacto complainant, that the defacto complainant with much difficulties had informed about the above said facts and the conduct of the accused to his wife Dr.Vimalarani, but she disbelieved and accused the defacto complainant itself, that the defacto complainant depressed by the above incidents, had taken sleeping dose tablets and phenyl, that she was taken to Government Hospital, Kovilpatti and that, on the basis of the statement given by the defacto complainant, FIR came to be registered in Cr.No.14 of 2022, under Section 354 I.P.C., and Section 4 of TNPHW Act.

3. The petitioner's case is that all the allegations stated by the defacto complainant are nothing but false story, that she has been employed very recently and even before the completion of her probation, she requested for an advance of Rs.20,000/- citing personal reasons, that the said payment was given to her, that subsequently she wanted some more amount for which, she has come forward with a new reason that there is a family function, that the petitioner had refused to part with any money and informed her that the amount already given would be deducted in the salary in the coming months, that the decision of the petitioner has made her to believe that her employment in the petitioner's hospital would not be stable and at any time, she would be ousted and for wrecking vengeance, she has given the above complaint falsely implicating the petitioner.

4. Admittedly, the intervenor had not even completed one month tenure in the petitioner's hospital and she had only worked for three days. As rightly contended by the learned Counsel for the intervenor, the contention of the petitioner that the intervenor got a sum of Rs.20,000/- as an advance and also demanded more advance, but the petitioner refused to part with the same and hence, the intervenor lodged a false complaint, appears to be unbelievable. The learned Counsel for the intervenor would submit that they came to know subsequently that the petitioner/accused had misbehaved with many female staffs in the hospital and due to the sexual harassment, many of the staff nurses left the job, but considering their future, no one had lodged any complaint against the petitioner and taking advantage of the same, he has been continuing with his shameful acts with the female staffs.



5. The learned Counsel for the petitioner would further submit that the defacto complainant has lodged a complaint against her husband before the Superintendent of Police, Thoothukudi and also to the All Women Police Station, Pudukkottai, Thoothukudi District, that the defacto complainant has appeared before the Pudukkottai police and gave a statement on 25.05.2022, that the petitioner has also appeared before the said police on 29.05.2022 and gave a statement, that the police, after recording the statement given by both the parties, referred the matter to the Social Welfare office and on that basis closed the complaint and that the defacto complainant for the reasons best known to her, has completely suppressed above aspects in the present complaint.

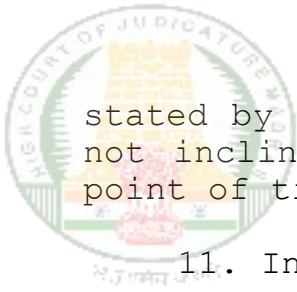
6. It is evident from the additional typed set of papers filed by the petitioner that the defacto complainant has appeared before the Inspector of Police, Pudukkottai police station on 25.05.2022 and gave a statement that her complaint against her husband can be forwarded to the Social Welfare Officer for enquiry, that the defacto complainant's husband has appeared before the said police on 29.05.2022 and gave a statement requesting the police to advise his wife for living together, that the said police after recording the statements given by both the parties and by referring the matter to the Social Welfare Officer for enquiry, has passed an order closing the complaint, vide order dated 29.05.2022.

7. No doubt, in the present complaint, the defacto complainant has alleged that she had taken sleeping tablets and phenyl on 29.05.2022, but as rightly pointed out by the learned Counsel for the defacto complainant, she has appeared before the Pudukkottai police only on 25.05.2022 and not on 29.05.2022 and that on the basis of the request given by the defacto complainant, the matter was referred to Social Welfare Officer and on that basis, the complaint was ordered to be closed.

8. As rightly pointed out by the learned Counsel for the intervenor, there existed disputes between the defacto complainant and her husband and the same is nothing to do with the present complaint. Moreover, there is no need or necessity for the defacto complainant to mention about the complaints preferred against her husband and the result of the enquiry. Even assuming for the argument sake that the defacto complainant has suppressed the above aspects, since the same has nothing to do with the present complaint, it is not a ground to reject the prosecution case.

9. As rightly contended by the learned Government Advocate (Crl.Side), the defacto complainant in her statement recorded under Section 164 Cr.P.C., has specifically narrated the incidents of misbehaving by the petitioner with the defacto complainant.

10. Considering the seriousness and gravity of the offence <https://hcservices.products.gov.in/hcservices/> to the fact that the investigation is pending as



stated by the learned Government Advocate (Crl.Side), this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

11. In the result, the Criminal Original Petition is dismissed.

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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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANAND R Advocate SR.No.5814

ORDER

IN

CRL OP(MD) No.9884 of 2022
Date :17/06/2022

SA/VR/SAR.3/22.06.2022/4P/4C