



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 13/06/2022
PRONOUNCED ON: 17/06/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.10145 of 2022

WEB COPY

Joseph Jeyaseelan

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
AWPS,
Madurai Town Police Station,
Madurai.
(Crime No.5 of 2022)

... Respondent/Complainant

For Petitioner : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates,
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl. Side).
For Intervenor : Mr.M.Venkatesan, Advocate.

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

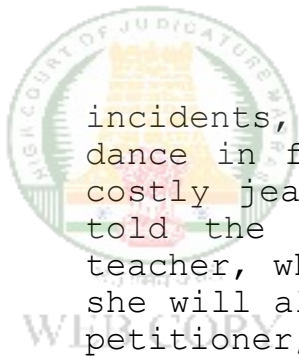
For Bail in Crime No.5 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 23.04.2022 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, in Crime No.5 of 2022, seeks 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.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. 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. 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 black-mail threats. 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.

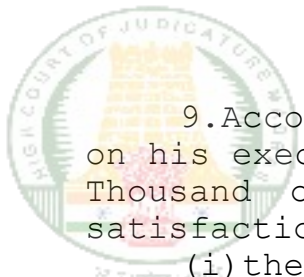
4.The petitioner has filed a petition for anticipatory bail in CrI.O.P.(MD)No.5162 of 2022 and this Court, after considering the above aspects and by observing that the perusal of the statements and other materials collected disclosed a *prima facie* case against the petitioner and also taking note of the submission of the prosecution that the genuineness of the voice messages and other messages are to be ascertained, dismissed the said petition vide order dated 05.04.2022.

5.It is not in dispute that subsequent to the dismissal of the anticipatory bail application, the petitioner was arrested and remanded to judicial custody on 23.04.2022 and the petitioner's earlier application for bail was dismissed by this Court in CrI.O.P.(MD)No.9429 of 2022 vide order dated 18.05.2022.

6.The learned Senior counsel for the petitioner would submit that the petitioner's school has been functioning from the year 1951 without giving room for any complaints, that the petitioner has been serving as a Secretary/Headmaster of the said school holding more than 25 years experience without any complaints, that the petitioner is aged 55 years and is suffering from various ailments and taking treatment for liver disease and that there is no iota of truth in the allegation made against the petitioner and he had no intention to insult the modesty of the defacto complainant and the other teachers.

7.As already pointed out, since the petitioner's application for anticipatory bail was dismissed on 05.04.2022, the petitioner was arrested and remanded to judicial custody on 23.04.2022.

8.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody for the past 52 days, that investigation might have completed by this time and that the petitioner is not having any previous cases for similar offence or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:



9. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Additional Mahila Court, Madurai.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall stay at Chengalpattu and report before the Chengalpattu Town Police Station daily at 10.30 a.m., for a period of thirty (30) days and thereafter, report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) On breach of any of the aforesaid conditions, the learned Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/06/2022

/ TRUE COPY /

22/06/2022

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 ADDITIONAL MAHILA JUDGE, MADURAI.

2 THE INSPECTOR OF POLICE, AWPS, MADURAI TOWN POLICE STATION, MADURAI.

3 THE INSPECTOR OF POLICE, CHENGALPATTU TOWN POLICE STATION, CHENGALPATTU DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1CC to M/s.M.VENKATESAN, Advocate (SR-5733[I] dated 17/06/2022)

+1CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26906[F] dated 20/06/2022)

ORDER IN

CRL OP(MD) No.10145 of 2022

Date : 17/06/2022

RS/VR/SAR.1 (17.06.2022) 3P-8C

<https://hcservices.ecourts.gov.in/hcservices/>