



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21691 of 2022

WEB COPY

B.Gokilapandian

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
All Women Police Station, Theni,
Theni District.
(in Cr.No.60 of 2022)

...Respondent/Complainant

For Petitioner : Mr.S.Louis, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

For Intervenor : Mr.D.Malaichamy, Advocate

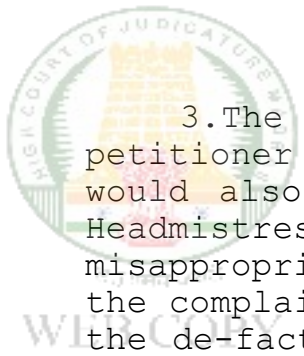
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.60 of 2022.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 357D and 506(i) of IPC and Section 4 of TNPHW in Crime No.60 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Eswari, is that she is a widow and she was working as Headmistress in a Panchayat Union School from 29.01.2022. The further allegation is that her colleagues are Gokulapandi, Murugavel Pavithra, Mareeswari and Kanagavalli, and among them, the said Gokulapandi had spoken ill on her. While so, six moths earlier at around 09.30 am, the said Gokulapandi had taken her in a car and misbehaved with her and made sexual advances to her and she had escaped from him. The further allegation is that since she refused the same, he had threatened that he will initiate action against her and also he issued a legal notice against her on 22.09.2022 making false allegations and thereby, this case.

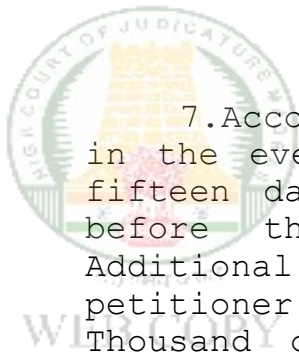


3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the de-facto complainant was working as a Headmistress in the Panchayat Union school and that she had misappropriated the funds belonging to the school and thereby, on the complaint given by the petitioner as well other Teachers against the de-facto complainant on 06.05.2022, the Educational Authorities have enquired and the de-facto complainant has been suspended and only in order to make out a defence and escape from the proceedings taken by the Government, the de-facto complainant had given a false complaint against the petitioner. He would further submit that even in the complaint, no specific date has been given and there is a delay of six months in giving the complaint. He would submit that only after initiation of the complaint and proceedings against the de-facto complainant, the de-facto complainant has given a false complaint in retaliation. He would also submit that enquiry in respect of the complaint given by the de-facto complainant, was conducted by the educational authorities and that they found that the allegations against the petitioner are false in nature and he would seek for anticipatory bail. The learned Counsel for the petitioner would submit that the case relates to allegation of sexual harassment in working place and the petitioner is ready and willing to appear before the Visaka Committee to be formed by Educational Authorities to prove his case.

4.The learned Government Advocate (Crl.side) would submit that the de-facto complainant is a widow and she is working as a Headmistress in a school. The accused had taken her in a car six months ago and while in the car, he had attempted to misbehave with her and made sexual assault and the de-facto complainant had escaped from the car and later, the petitioner had sent a legal notice and gave a complaint against the de-facto complainant. However, he would submit that an enquiry was conducted by the educational authorities and the allegations were found to be false.

5.Mr.D.Malaichamy, learned Counsel appearing for the intervenor would submit that the de-facto complainant is a widow and she is working as a Headmistress in a school and the petitioner, who is her colleague had misbehaved with her and made sexual advances to her. Since the de-facto complainant refused to accept the demand, he has given a false complaint against the de-facto complainant in order to harass her. He would vehemently oppose for grant of anticipatory bail.

6.Heard the learned Counsel for both sides and taking into consideration the facts and circumstances of the case and on perusing the materials enclosed along with this petition, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court, (JM Level), Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 06.30 p.m., for a period of two weeks and thereafter, every Saturday at 06.30 am until further orders.

[c] the petitioner shall file an affidavit that he will appear before the Visaka committee in a case relates to the allegation of sexual harassment in working place.

[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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT (JM LEVEL)
THENI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI,
THENI DISTRICT.

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

+1 CC to M/s.LOUIS S, Advocate (SR-14842[I] dated 14/12/2022)

+1 CC to M/s.D.MALAICHAMI, Advocate (SR-14905[I] dated 15/12/2022)

ORDER

IN

CRL OP(MD) No.21691 of 2022

Date :14/12/2022

cmr

PKP/SSS/SAR-1/22.12.2022/4P/7C