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CRL OP/ML



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.97 of 2023

K.Muthukrishnan

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Dindigul Town and District.
(Crime No.32 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Thirunavukkarasu M, Advocate

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

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

PRAYER :-

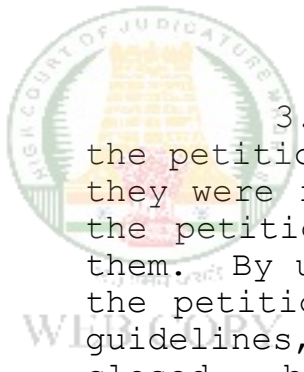
For Anticipatory Bail in Crime No.32 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 509 of I.P.C r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.32 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Megaladevi, Internal Investigation Committee, Sexual Violence in the Work Place (Prevention, Protection, Redressal) Deputy Commissioner Office, Dindigul is that the petitioner, who was working as Assistant Commissioner in Commercial Tax Department, Dindigul has sent abusive messages to his colleague/victim, who was working as a Commercial Tax Officer. Hence, the complaint.

<https://www.mhc.tn.gov.in/judis>



3. The learned counsel for the petitioner submit at the petitioner and the victim were colleagues in the same office and they were friends earlier. The victim had borrowed some money from the petitioner, with regard to which, there was a dispute between them. By using the old messages, she gave a false complaint against the petitioner. Further submitted that as per Vishaka Committee's guidelines, internal enquiry has been conducted and the matter was closed, based on the apology extended by the petitioner. Subsequently, the alleged case has been registered against the petitioner on 29.12.2022. The petitioner also issued with the summons by the respondent Police and he is ready to co-operate with the investigating agency. Therefore, custodial interrogation of the petitioner is not necessary. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner and the victim were working as colleagues in the same office. The petitioner used to sent abusive messages to the victim. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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, Additional Mahila Court, Dindigul**, 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 10.30 a.m., for a period of one week, starting from 30.01.2023 and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;



[d] the petitioner shall not abscond either during investigation or trial;

[e] 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;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2023

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/01/2023

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

pnm

TO

1.THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL TOWN AND DISTRICT.

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

+1 CC to M/s.THIRUNAVUKKARASU M, Advocate (SR-230[I] dated
05/01/2023)

ORDER
IN
CRL OP(MD) No.97 of 2023
Date :05/01/2023

RK/SSS/SAR-1 (12/01/2023) 3P/6C