



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

PRESENT

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

CRL.O.P(MD)No.2360 of 2023

WEB COPY

Paraloga Selvakumar @ Selvakumar Paralogam

...Petitioner/ Sole Accused

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.
(in Cr.No.3 of 2023)

...Respondent/ Complainant

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.3 of 2023.

For Petitioner : Mr.C.Suresh Kumar , Advocate

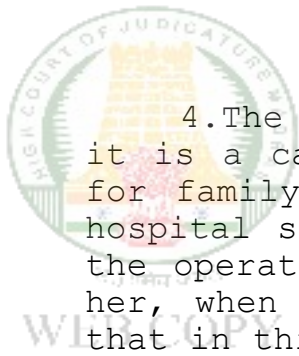
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 354(A)(i)(ii) of IPC and Section 4 of TNPHW Act in Crime No.3 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 19.01.2023, the de-facto complainant delivered a child and on 23.01.2023, a family planning surgery was done to the de-facto complainant. After surgery, the de-facto complainant was shifted from the operation theatre to normal ward with the help of the petitioner and another ward boy. At that time, the petitioner has misbehaved with the de-facto complainant. Hence, the complaint.

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 petitioner has not committed any offence, as alleged by the prosecution. He would further submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would pray for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that it is a case of serious offence, wherein, the victim was admitted for family planning surgery. The petitioner, who is actually the hospital staff, has misbehaved with her while she was shifted from the operation theatre to the ward. He had inappropriately touched her, when she was in a semiconscious stage. He would also submit that in this case, custodial interrogation of the petitioner is very much required and hence, he would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also perused the materials available on record including the F.I.R., and the statement recorded from the victim lady under Section 164 Cr.P.C., and also considering the submission of the learned Government Advocate (crl.side) that custodial interrogation of the petitioner is very much required, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition stands dismissed.

sd/-

06/02/2023

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

cmr

To

1.The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.2360 of 2023

Date :06/02/2023

RK/SBN/SAR-II(15/02/2023) 2P 3C