



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11595 of 2023

Sivaprakash @ Sivaprakasam

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Tenkarai Police Station,
Theni District.

(Crime No.157 of 2023).

... Respondent/Complainant

For Petitioner : M/s.G.Prabuhu Rajadurai,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.157 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
354(A) and 506(i) of I.P.C., in Crime No.157 of 2023 on the file of
the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the President of the Women's Stitching Co-operative Societies
No.1710 for the past five years and the petitioner herein was
working as an Officer in the said Sangam. While the petitioner was
working as an Officer, he used to give sexual harassments and
physical abuses against the defacto complainant and threatened her
that he will not make her as a President for the said Society.
Thereby, on the sexual harassments made by the accused person, she
lodged a complaint before the Social Welfare Officer, Theni on
10.01.2023 and on the complaint made by her, an enquiry was
conducted by them and a report was also submitted by them on
28.02.2023. Thereby, the petitioner had further threatened her that
she cannot do anything against him, if she compromises with him, he
will allot works to her and on refusing to do so, he will harass her
and made life threats. Hence, the case.



3. Heard. Perused the materials available on record including the First Information Report.

4. It is seen that the petitioner touched the workers and gave sexual harassment and on perusal of the records, no specific allegations with regard to the sexual abuse as against the victim.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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, Periyakulam, Theni District, 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, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with 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].

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

sd/-
30/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

WEB COPY

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

3 THE INSPECTOR OF POLICE
TENKARAI POLICE STATION, THENI DISTRICT.

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

ORDER
IN
CRL OP (MD) No.11595 of 2023
Date :30/06/2023

SS/11/07/2023/3P/5C