



Crl.OP(MD)No.12046 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

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B.Sivasankaran

: Petitioner/Sole Accused

Vs.

The State rep. by
The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.454 of 2022)

: Respondent/Complainant

For Petitioner : Mr.A.Robinson, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Anticipatory Bail in Crime No.464 of 2022 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 377, 342 and 506 (i) IPC, in Crime No.464 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant, who is studying



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in Government Arts and Science College, Kovilpatti, Tuticorin District, lodged a complaint stating that he is studying 3rd year B.Sc. (Mathematics). The accused is working as Professor in the above said college and he used to visit the Professor frequently. On one occasion, when he was studying in his house, the accused misbehaved sexually. Even though, objection was raised by him, the accused continued the above said sexual harassment. The above said act continued for some time. He was subjected to the above said sexual harassment by making threat. On one occasion, he refused to cooperate. Over the above said issue, he gave wrong information to the parents of the girls students. The above said issue was settled in the police station enquiry. The conduct of the accused was also brought to the notice by some other students also. On 03/08/2020 at about 10.45 am, the de-facto complainant and others went to the office of this petitioner and objected over his behaviour. At that time, they were abused, criminally intimidated and assaulted. On the basis of the above said occurrence, this case has been registered for the offences stated above.

3. Pending investigation, this petition has been filed for the third time. On those two occasions, the petitions filed by the petitioner came to be dismissed. This is the third application, which has been filed by the petitioner stating some change of circumstances that a false complaint that was given by the de-facto complainant was



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realized and he is coming forward to appear by this court to inform the truth. It was also submitted that as a counter blast to the complaint that was given by the petitioner against the de-facto complainant and others, this false complaint has been given and he is also referring the dates and events. He has also produced the pen-driver showing the occurrence that took place on, 03/08/2022, which was registered in Crime No.462 of 2022 and this FIR was registered after two days I.e., on 05/08/2022.

4.According to the learned counsel appearing for the petitioner, this is nothing, but a counter complaint to damage the image and reputation of this petitioner. Now the petitioner has stated that the de-facto complainant and other students indulged in immoral activities. So, he warned the de-facto complainant and others, over which only, the students damaged the office articles. He was taken to the hospital and taking treatment.

5.Without going into the merits of the case, this petition can be disposed of on the simple point that the de-facto complainant has come forward to state that the above said complaint was given by him falsely. He also appeared before the court and stated that only as a counter blast to the above said complaint, that was registered against him, he made the present complaint. Apart from that, he has also stated that he joined with some other college, after leaving the present college. So, in



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the facts and circumstances of the case, the custodial interrogation of the petitioner is not required.

6.Perusal of the CD file shows that because of the assault made by the de-facto complainant and others, he was suspended from the college, later, discontinued and now joined in some other college.

7.Considering the above said aspects and also considering the fact that most part of the investigation is over, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Kovilpatti and on his executing 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 learned Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 am. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
21/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

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1.The Judicial Magistrate No.II,
Kovilpatti.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti, Thoothukudi District.

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

+1 CC to M/s.A.ROBINSON, Advocate (SR-11193[I] dated 24/07/2023)

ORDER
IN

CRL OP(MD) No.12046 of 2023
Date :21/07/2023

ED/MR /SAR- (02/08/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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