



Crl.OP(MD)No.16010 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 20/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.16010 of 2023

Athiyaman

.... Petitioner/Sole Accused

Vs.

**State rep. by its
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.17 of 2023)**

...Respondent/Complainant

For Petitioner : Mr.S.Ramasamy,Advocate

**For Respondent : Mr.S.Manikandan
Government Advocate (Criminal side)**

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

PRAYER:- For Anticipatory Bail in Crime No.17 of 2023 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 354, 354(A) IPC and

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



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section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.17 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that she is studying 3rd year BA (English) Literature in Government Arts and Science College, Paramakudi. The accused, on 11/08/2023 verified the attendance register. At that time, she was called to the office of Renuka Devi, HOD. At that time, the accused alleged to have behaved indecently and spoke in an inappropriate manner. He was seeing the de-facto complainant in lustful manner. He also touched her inappropriately. She disclosed the same to her friend namely Sabitha. At about 12.00 noon on the very same day, when working in the system, the accused indulged in misbehaviour and used double meaning words. So, she dropped a complaint in the complaint box, on 19/08/2023, but no proper action was taken. So the present complaint has been filed. Upon which, a case in Crime No.17 of 2023 was registered for the offences stated above.

3.Heard both sides.

4.The petitioner and the de-facto complainant were summoned to present

before this court. They were also present.

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5.The de-facto complainant, who is the victim girl represented the very same allegation made in the complaint. So far as the petitioner/Accused is concerned, he has stated that because of the communal issue only, the above said false complaint has been given and he was transferred to some other college and there now working.

6.The respondent police is also present before this court. On enquiry, she has stated that there was no proper action on the side of the College Administration. The petitioner is also not cooperating with them to find out the real fact. Without proper cooperation on the side of the College Administration, they are not able to complete the investigation process. So, the attitude of the College Administration cannot be appreciated. Let the respondent police approach the higher authorities to take appropriate action against the College Administration regarding non-cooperation.

7.The learned Government Advocate (Criminal side) has also submitted that this is not the first occurrence involved in one girl, but several girls have also given such nature of complaints. So according to him, the petitioner, who was in the responsible position has misbehaved with the female students. So, this must be taken serious note of. But however, the learned counsel appearing for the petitioner would submit that because of the communal issue only, this false complaint has been given.



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8.This court is not in a position to appreciate the argument of the petitioner. No girl will come to the extent of giving such complaint against her own Lecturer in such a manner. But what actually happened in the College is a matter for thorough investigation, for which the cooperation of the College Authorities is very much required.

9.As mentioned above, the respondent police may proceed against the College Administration, if no proper cooperation is extended, as per law. Entertaining this sort of anticipatory bail application will not be appropriate and proper also. Unless the petitioner is subjected to custodial interrogation, the truth will not come out.

10.Considering the facts and circumstances of this case, I am of the considered view that this is not a fittest case to exercise the discretionary power in favour of the petitioner.

11.In the result, this criminal original petition stands dismissed.

sd/-
20/09/2023

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/10/2023
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 INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16010 of 2023
Date :20/09/2023

PKP/VRS/SAR- /10.10.2023/ 5P/ 3C

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