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Crl.O.P.No.2438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2438 of 2025

Devaraj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Salem Town, Salem District.
(Crime No.03 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.03 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. T. Saikrishnan

For Respondent : Mr. A. Gopinath
Government Advocate (Crl.Side)



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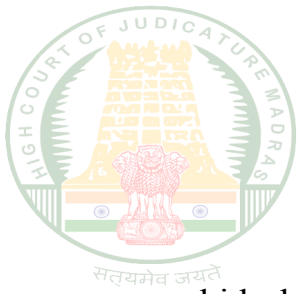
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ORDER

Petition seeking bail in respect of Crime No.03 of 2025 registered for the alleged offences punishable under Sections 75(1)(ii) of BNS and Section 4 of TNPHW Act, is on board for consideration.

2. The case of the prosecution is that, the defacto complainant's father was originally working as a Sanitary Worker at the Office of the Veerakkalpudur Town Panchayat and committed suicide, that therefore, the defacto complainant applied for compassionate appointment; that on 02.01.2025, the petitioner herein, who is a Superintendent, at the Office of the Assistant Director, Town Panchayat, Salem, asked her to meet him at a bus stand; that they both had tea; and that the petitioner demanded sexual favour from the defacto complainant. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution; that the petitioner is not an 'Appointing Authority'; that the petitioner has been arrested and remanded to judicial custody on 11.01.2025; and that the petitioner is ready to



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abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, and prayed for bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, per contra submitted that the petitioner had harassed the defacto complainant, demanding sexual favour and that further investigation of this case is pending and opposed the grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Additional Mahila Court, Salem** and on further conditions that:

[a] 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 on every Monday and Thursday at 10:30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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



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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 269 of B.N.S.

04.02.2025

stn

To

1. The Sessions Judge,
Additional Mahila Court, Salem.
2. The Inspector of Police,
All Women Police Station,
Salem Town, Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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