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CrI.O.P.No.16661 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.07.2025
PRONOUNCED ON : 13.08.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16661 of 2025 and
CrI.M.P.Nos.11436 & 11439 of 2025

K.Jayasankar

... Petitioner

Vs.

State, represented by
The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai – 600101.
(Crime No.25 of 2025).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest concerned in Crime No.25 of 2025 on the file of the
Inspector of Police, W-8, All Women Police Station, Thirumangalam,
Chennai – 600101.



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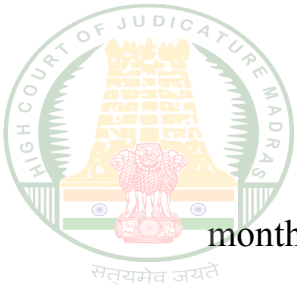
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For Petitioner : Mr.R.John Sathyan, Senior Counsel for
Mr.M.Vinoth
For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)
For Intervenor : Mr.V.Jayaprakash Narayanan

ORDER

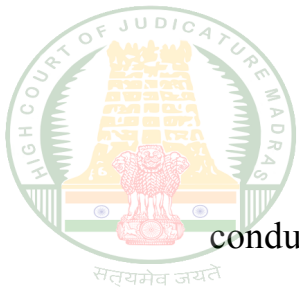
The petitioner apprehends arrest at the hands of the respondent Police for offence under Section 74 of Bharatiya Nyaya Sanhita, 2023 in Crime No.25 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is the Secretary in M/s.Thiruvallur Transport Corporation Employees Cooperative Credit Society Limited (In short 'Society') and he is the founder and Chief Executive Officer of the Society. There are more than 150 employees are working in the Society and its subsidiary institutions. He further submitted that defacto complainant joined the Society in the year 2017, subsequently promoted as Junior Assistant in the year 2018, thereafter promoted as Assistant Manager in the year 2019. The defacto complainant employed in the Society for the past 8 years and presently she is holding the post of Assistant General Manager and receiving salary of Rs.1,50,000/- per



month. Added to it, the Society provided free housing at Golden George Nagar, Justice Rathinavel Pandiyan Road, Mogappair, Chennai for defacto complainant. The defacto complainant with family members are residing in the said staff quarters.

3.The learned Senior Counsel further submitted that the petitioner gave scholarship of Rs.60,000/- per year to the children of his employee for their education and also introduced many welfare assistance for betterment of employees. During the course of employment, defacto complainant from the year 2019-2022 availed loan of Rs.11,81,236/- on various dates and also availed financial assistance of Rs.22,50,000/- to redeem the property from the bank mortgage. The Society accepted the same and transferred the amount to her account through RTGS on 31.03.2023 and she also executed a Mortgage Deed. The defacto complainant by letter, dated 23.12.2023 requested the petitioner not to deduct monthly EMI for first three months. The defacto complainant by letter dated 08.01.2025 stated that the Society is a safe place and people are good in nature and she has no issues and not faced any hindrance in the Society. In September 2024, a review meeting



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conducted in Anna Nagar Head Office in which 30 persons attended, the defacto complainant commented the work done by NGO Members of the Society. Later, the defacto complainant made some allegations against the petitioner's wife and later repented for the same and sent apologize message on 12.09.2024. On 11.09.2024, defacto complainant was deputed to Kilambakkam Branch. The defacto complainant requested for additional allowances like petrol charges and travel allowances since she had to travel from Mogappair to Kilambakkam, there was some disagreement. Hence, the defacto complainant developed some grouse over the management of Society. During her posting in Kilambakkam Branch from 11.09.2024 to 20.01.2025, out of 92 days, she reported to duty only for 12 days and on these days too, she reported late to the duty. The defacto complainant was deputed to attend the Head Office in Anna Nagar from 21.01.2025. Thereafter, defacto complainant was deputed to serve in Nagercoil Branch to increase depositors, for which, the management offered additional allowance of Rs.500/- per day during the period at Nagercoil. On 27.01.2025, the deputation order to serve in Nagercoil issued to her, but on 28.01.2025, she sent a letter refusing to report to duty at Nagercoil. Due to



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such wilful disobedience, suspension order issued on 29.01.2025 and the same was sent through Email and Whatsapp. On receipt of suspension order, the defacto complainant created chaos at the front gate of Society at Anna Nagar and used offensive and unparliamentary words against the petitioner and other employees of Society.

4.He further submitted that the defacto complainant instead of reporting duty at Nagercoil, sent an Email on 30.01.2025 to the petitioner informing that she was stressed and depressed due to suspension and on 31.01.2025, a message was sent to the defacto complainant to report duty at Anna Nagar Office. The defacto complainant for this reason gave a false complaint against the petitioner on 31.01.2025 to the Commissioner of Police. The petitioner called for enquiry on 09.02.2025 and detailed statement given. On allegation of sexual harassment in the workplace, the respondent Police issued a letter dated 09.02.2025 to POSH Committee to conduct enquiry.



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5.The learned Senior Counsel further submitted that the complaint given by defacto complainant is without any details about sexual harassment at workplace. On 13.08.2024, the defacto complainant took half day leave to take her husband for health checkup. On 19.09.2024, the defacto complainant sent Whatsapp message to petitioner that she is facing difficulty in attending office at Kilambakkam and spending around Rs.1,000/- per day for auto and suffering lot of stress due to deputation and she took medical leave to regain her health. On 12.11.2024, the defacto complainant sent apology for earlier messages and requested for reconsideration of her deputation at Kilambakkam Branch and again she sent request on 02.12.2024. The petitioner's office is in the Corporate Block and the defacto complainant's seat of work is in Main Block which is front side of the building. The buildings of the Society are under CCTV surveillance and in the corporate office, the Secretary of the petitioner is seated near the entrance to the room of petitioner, without her knowledge, nobody can enter. Earlier, the defacto complainant lodged a complaint on 31.01.2025 for alleged incident happened in September 2024. The POSH Committee conducted enquiry, but the defacto complainant failed to



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cooperate for enquiry, on the other hand, she filed a Writ Petition in W.P.No.14510 of 2025 before this Court seeking to register FIR, thereafter, on 24.04.2025, FIR registered. In the meanwhile, the POSH Committee sent a report dated 08.05.2025 to the respondent Police.

6.In support of his submissions, the learned Senior Counsel produced the appointment order, promotion order, letter given by defacto complainant to the petitioner, screenshots of Whatsapp messages and requisition for conveyance and other benefits, deputation order, suspension order and revocation order. Thus, for an action being contemplated on the service side, further posting defacto complainant at Kilambakkam and Nagercoil on deputation, had caused some misgivings of defacto complainant, which the rival group in the society had taken advantage, and using the defacto complainant, had lodged a false complaint against the petitioner. Hence, sought for anticipatory bail.



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7.The learned counsel for the Intervener/defacto complainant submitted that the petitioner holds the position of Chief Executive Officer and exercises significant control and authority over the administration and operations of Society. Despite the existence of an elected body of the President and Directors, the petitioner misused his position, manipulated the Board of Directors and engaged in gross financial mismanagement for his personal gain. The petitioner has been working as Chief Executive Officer/Secretary for the past 36 years in the same position and has complete control over the entire staff and elected body. The petitioner can appoint and remove any employee at his pleasure and no one can question him and he is above the Board of Directors and President of Society. Several employees removed from the service without assigning any reason and the petitioner abusing and misusing his position, committed sexual harassment to poor temporary female employees. So far five victims affected at the hands of the petitioner. One of the female Doctor, namely, Ms. Indhu Janani lodged a complaint against the petitioner wherein she gave details as to how, using the Society funds and the name of Tempz Hospital, running various health services using the facility, ensuring that



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none of the female staff who had been misused and ravaged by the petitioner became pregnant and no complaints are lodged. The defacto complainant produced the screenshots of Whatsapp chat and transcription of call recordings. Further, during a stay at Bangalore for a conference, the petitioner attempted to misbehave with the defacto complainant and she had to run and escape at odd hours to save herself from the petitioner.

8.The learned counsel further submitted that the petitioner was making unwarranted advances and his action had caused severe emotional stress and the defacto complainant felt unsafe in the workplace. When the defacto complainant was working at Anna Nagar Office, she was forcibly grabbed by hand and was taken to office cabin of petitioner and forcibly mauled and she came running out from the cabin. Since all the employees are the stooges of petitioner, nobody came forward to support defacto complainant. Finding that the defacto complainant is not comfortable, not yielding to the overtures made by the petitioner, without any reason she was transferred to Kilambakkam where she had to work in a hostile environment and thereafter posted at Nagercoil. Added to it, the defacto complainant



also faced harassment from Ms.Soosan Maria Swetha who acted in consent of the petitioner. The Legal Advisor Mrs.Chellathai threatened the defacto complainant to join the duty at Nagercoil or to give a letter refusing to go. The harassment caused by the legal advisor who came to the house of defacto complainant, all recorded in CCTV Camera.

9.He further submitted that the petitioner is so powerful and no complaint against him was entertained by the Police and only after this Court passing the order dated 24.04.2025 in W.P.No.14510 of 2025, FIR registered against the petitioner. During enquiry, the petitioner bribed the then Investigating Officer by arranging house property in the name of one Miss.Candies Swaris daughter of Mrs.Vijayalakshmi, Investigating Officer and also sanctioned loan to her daughter from the Society by misusing his position. Thereafter, the defacto complainant lodged complaint against Investigating Officer Mrs.Vijayalakshmi and finally she was transferred and kept under waiting. The petitioner is highly influential person having money and muscle power. If the anticipatory bail is considered, he will misuse his position and get embolden to close the case against him and will



remove the defacto complainant from the office premises and none of the female staffs would gain courage to lodge complaint against the petitioner.

10.In support of his submissions, the learned counsel for the defacto complainant filed a typed set containing enquiry report submitted by the Internal Complaints Committee, sale deed, mortgage deed, copy of the order passed in W.P.No.14510 of 2025, screenshots of Whatsapp chat and photographs. In view of the above, he prays for dismissal of the anticipatory bail.

11.The Government Advocate (Crl. Side) appearing for the respondent Police submitted that on the complaint of defacto complainant, dated 31.01.2025, preliminary enquiry conducted, in the meanwhile, defacto complainant approached this Court and this Court by order dated 24.04.2025 in W.P.No.14510 of 2025 directed the respondent Police to conduct enquiry on the complaint of defacto complainant and dispose of the same within a period of four weeks after issuance of notice to the petitioner as well as defacto complainant. After enquiry, FIR registered, both the



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petitioner and defacto complainant are making complaint and counter complaint against each other. Since there are large numbers of employees of the Society who are to be enquired, summons sent to them and the investigation is in progress.

12.Considering the rival submissions and on perusal of the materials, it is seen that the petitioner is the founder and Chief Executive Officer of the Society. The defacto complainant joined the Society in the year 2017, subsequently promoted as Junior Assistant in the year 2018, later promoted as Assistant Manager in the year 2019. Lastly she was holding the post of Assistant General Manager in the Society and getting salary of Rs.1,50,000/- per month. On 11.09.2024, defacto complainant deputed to Kilambakkam Branch. But she reported duty only for 12 days out of 92 days. Thereafter, defacto complainant transferred to serve at Nagercoil Branch but she refused to join the duty. Due to disobedience, suspension order issued on 29.01.2025. On receipt of suspension order, the defacto complainant got agitated and protested. Thus, the action taken on the administrative side, offended the defacto complainant.

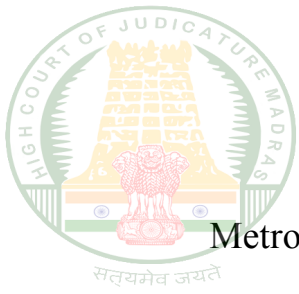


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13.It is to be noted that in one stretch, the defacto complainant is making allegation of sexual harassment at the hands of the petitioner, but at the same breath, she wishes the petitioner on his birthday “*Your guidance inspires everyday and I am grateful o have the opportunity to work under your direction*”. Thus, the defacto complainant's vacillation creates some doubt.

14.In this case, the POSH committee conducted enquiry on the complaint of defacto complainant, enquired employees of the Society and sent a report to the respondent Police. In this case, there are allegation and counter allegations. The entire issue stems out of an internal action taken by the Society. Now the investigation is in progress. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

15.In view of the above, 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 of receipt of a copy of this order, before the learned



Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b]The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 05.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police officer as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond



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the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

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

[h] 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

16.Amendment Petition filed by the petitioner in Crl.M.P.No.11439 of 2025 in Crl.O.P.No.16661 of 2025 and Intervening Petition filed by the defacto complainant in Crl.M.P.No.11436 of 2025 in Crl.O.P.No.16661 of 2025 are ordered.

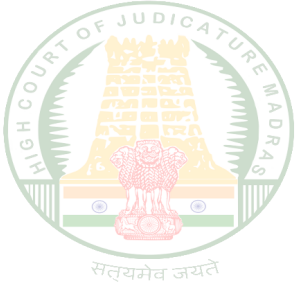
13.08.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.The Metropolitan Magistrate,
Additional Mahila Court,
Egmore, Chennai.
- 2.The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai – 600101.
- 3.The Public Prosecutor,
Madras High Court.

PRE-DELIVERY ORDER IN
CrI.O.P.No.16661 of 2025

13.08.2025