



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

Thursday, the Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13155 of 2017

S.SATHAM HUSSAIN

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION TOWN, TIRUNELVELI.
(IN CRIME NO.5 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.A.JINNAH Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

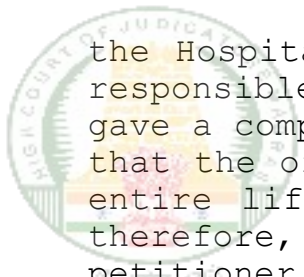
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417 and 376 IPC and Section 6 of Protection of Children from Sexual Offences Act, in Crime No.5 of 2017, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that an unfortunate 17 years old minor girl viz., Hairunnisha, who studied upto VI Standard, was raped by the petitioner, out of which, a male child was born to her in Pettai Kayithe Millath Government Hospital at Tirunelveli District. On complaint, a case has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has no physical relationship with the victim girl.

4.The learned Government Advocate (Criminal side) submitted that the de-facto complainant's fourth daughter viz., Hairunnisha, aged about 17 years, was taken to Government Primary Health Centre, Puthupettai, by her other daughters viz., Mydeen Pathu and Makbara after knowing the fact that the victim girl was affected by stomach pain and thereafter, she was informed by her daughters that the victim girl delivered a male child and immediately, she rushed to



the Hospital. On enquiry, it was revealed that the petitioner was responsible for the birth of the male child and immediately, she gave a complaint before the respondent police. He further submitted that the offence committed by the petitioner is serious one and the entire life of the victim girl was spoiled by the petitioner and therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the submissions made by the learned Government Advocate (Criminal side) and also considering the gravity of the offence committed by the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
05/10/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION TOWN,
TIRUNELVELI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.S.M.A.JINNAH Advocate SR.No.32210

JAM/10.10.17/PM-PN/SAR 2 / 2P-4C

ORDER
IN
CRL OP(MD) No.13155 of 2017
Date :05/10/2017