



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

Tuesday, the Twenty Second day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9970 of 2017

MANRAJ

... PETITIONER/ ACCUSED No.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAM,TIRUNELVELI DISTRICT
CRIME NO.14 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.SUKUMAR Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

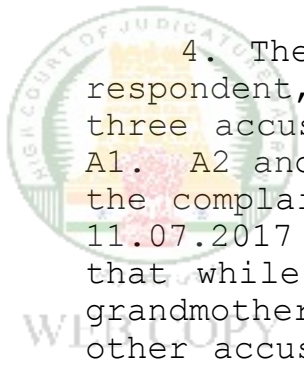
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 506(i) of IPC., and Sections 6, 11(5) and 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012, in Crime No.14 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that while the victim girl, aged about 16 years old, came to her grandmother's house, she was taken away by the petitioner along with other accused and the petitioner said to have committed intercourse with the victim girl on false promise of marriage and thereafter, on such rape incident was taken in Cellphone and thereafter, the victim girl was threatened with cellphone and all the accused had sexually intercourse with the victim girl.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he did not commit any offence, as alleged by the respondent. The alleged victim was married a person by name Kamaraj and living with him at Palani. The petitioner is also a married man and having two children and there was a money dispute between the petitioner and the uncle of the alleged victim and when the petitioner questioned the repayment of money, there was misunderstanding between them. Hence, the Child Welfare Committee, Services restored the alleged the victim girl and foisted the false case, as if offence was taken place.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally three accused in this case and the petitioner herein is arrayed as A1. A2 and A3 are still absconding. FIR registered on the basis of the complaint given by the Child Welfare Committee, Tirunelveli, on 11.07.2017 for the occurrence dated 25.11.2015. He also submitted that while the victim girl, aged about 16 years old, came to her grandmother's house, she was taken away by the petitioner along with other accused and the petitioner said to have committed intercourse with the victim girl on false promise of marriage and thereafter, on such rape incident was taken in Cellphone and thereafter, the victim girl was threatened with cellphone and all the accused had sexually intercourse with the victim girl. A statement under Section 164 of Cr.P.C., recorded was produced today and on perusal of the same would reveal the fact that the petitioner herein said to have made intercourse with the victim girl at first instance and thereafter, by threatening the victim girl, the remaining accused said to have raped the victim girl. The victim girl given birth to a male child and thereafter, she married to another one person. The DNA test has to be taken in respect of the child born to the victim girl in this case and the investigation is still pending.

5. Considering the above facts and circumstances of the case and the gravity of the charge against the petitioner herein and also the contents of 164 Cr.P.C., statement given by the concerned victim girl in respect of the intercourse made by the petitioner while she was minor and the remaining accused are still absconding and DNA Test has to be taken by the investigating officer in this case, this Court is not inclined to grant anticipatory bail to the petitioner, at this stage. Accordingly, this Criminal Original Petition stands dismissed. The respondent Police is directed to secure the accused.

sd/-
22/08/2017

/ 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, ALANGULAM, TIRUNELVELI DISTRICT
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.SUKUMAR Advocate SR.No.29192

ORDER
IN
CRL OP(MD) No.9970 of 2017
Date :22/08/2017