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

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2185 of 2019

ALEX PANDI@ALEXANDAR ... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.
Crime No.218/2018 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESH PANDIAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 366 (A) of IPC r/w Section 11 (i), 12 of POCSO Act in Crime No.218 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the mother of the victim and the petitioner married the victim's paternal uncle's daughter. Taking advantage of the relationship, the petitioner gave a sexual torture to the defacto complainant's daughter and committed rape. When the defacto complainant was admitted in the hospital for treatment, the petitioner went to the house of the defacto complainant and kidnaped the victim girl and thereafter committed a rape, for which, the respondent police registered a case initially under Section 366 (A) IPC and thereafter, altered the Section into 11 (i), 12 of POCSO Act.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case.

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Accordingly, the learned counsel for the petitioner prayed for anticipatory bail to the petitioner. The learned counsel for the petitioner further contended that the petitioner is ready to abide by any of the conditions that are to be imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner married cousin sister of the victim girl and taking advantage of their relationship, the petitioner raped the victim girl and the offence committed by the petitioner herein is heinous one. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature of the offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
12/02/2019

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2185 of 2019
Date :12/02/2019

TK/PN/SAR-1/25.02.2019/2P/3C

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