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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8809 of 2019

Yazir ... Petitioner/Sole Accused

Vs

state rep.by
The Inspector of Police,
All Women Police Station,
Colachel Police Station,
Kanyakumari District.
(Crime No.23 of 2019) ... Respondent/Complainant

For Petitioner : M/s.B.Jeyakumar,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.23 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 (m), 10 of Prevention of Children from Sexual Offence Act, 1985, Crime No.23 of 2019, seeks bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that on 10.04.2019, the petitioner dashed with a vehicle against the defacto complainant's mother and with regard to the said incident, the said lady gave a complaint before the Jamad and the Jamad enquired the petitioner and at that time, the petitioner slapped one of the elder members of the Jamad and subsequent to the same, the Jamad members conspired and instigated the defacto complainant to give a false complaint against the petitioner. He further submitted that even as per the FIR, the occurrence said to

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have taken place on 12.30 p.m behind the masque and that is the prayer time and at that time, the people would have go and come for prayer and under the said circumstance, it is highly unbelievable that the petitioner has misbehaved with the victim girl, and therefore, he prayed anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that on 10.06.2019 at about 12.30 p.m, when the victim girl aged about 9 years, after purchasing certain goods from the shop, she was proceeding to her house and at that time, the petitioner intercepted and dragged her to the backside of the mosque and tried to misbehave with the said child and hence, a complaint was lodged. He further submitted that the victim girl herself stated in 164 statement that the petitioner has misbehaved with her and therefore, he strongly opposed this petition.

5.With regard to the submission made by the learned counsel for the petitioner that on 10.04.2019, the petitioner has dashed with a vehicle against the defacto complainant's mother and with regard to the said incident, the Jamad members enquired the petitioner and during the enquiry, the petitioner had slapped one of the members of the Jamad, there is no material before this Court.

6.Taking into consideration of the fact that the victim girl gave a statement under Section 164 Cr.P.C, as the petitioner misbehaved with her, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this petition is dismissed.

sd/-
02/07/2019

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

TO
1. THE INSPECTOR OF POLICE,
   ALL WOMEN POLICE STATION,
   COLACHEL POLICE STATION,
   KANYAKUMARI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
   MADURAI BENCH OF MADRAS HIGH COURT,
   MADURAI.

ORDER
IN
CRL OP(MD) No.8809 of 2019
Date :02/07/2019

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TK/VR/SAR-2/18.07.2019/2P.3C