



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8074 of 2020

Selvaraj

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Kanyakumari District.
Cr.No. 12 of 2020.

... Respondent/Complainant

For Petitioner : M/s.P.P.Alwin Balan, Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

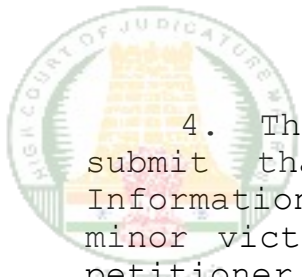
For Anticipatory Bail in Crime No.12 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 7 & 8 of Protection of Child from Sexual Offences Act, 2012, in Crime No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (criminal side).

3. The case of the prosecution is that the defacto complainant is the grandmother of minor victim girl, namely; Sridevi who is aged about 8 years. The petitioner said to have entered into the house of the defacto complainant when the minor victim girl and her sister were alone and sexually assaulted the minor victim girl. Hence, the complaint.



4. The learned counsel appearing for the petitioner would submit that there are so many contradictions in the First Information Report and the 164 (5) of Cr.P.C. statement given by the minor victim girl. He would further submit that the name of the petitioner was not mentioned in the 164(5) of Cr.P.C.

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5. The learned Government Advocate (criminal side) appearing for the respondent police would submit that the petitioner who is aged about 61 years and the petitioner said to have entered into the house of the defacto complainant when the minor victim girl and her sister were alone and sexually assaulted her and the same was reported to the defacto complainant and thereafter, a complaint has been preferred.

6. Taking note of the submission of the learned Government Advocate (criminal side) and considering the fact that the petitioner said to have assaulted the minor victim girl, namely; Sridevi who is aged about 8 years and the same was informed to her grandmother and thereafter, a complaint has been given by the defacto complainant and hence, this Court is not inclined to grant anticipatory bail.

7. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

14/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER IN
CRL OP (MD) No.8074 of 2020
Date :14/08/2020