



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

Date : 12/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11166 of 2020

Kabali @ Ayyanar

... Petitioner

Vs

The Inspector of Police,
Muthiyapuram Police Station,
Tuticorin, Tuticorin District.
(Crime No.362 of 2020)

... Respondent

For Petitioner : M/s.V.Thiyagarajan, 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 Cr.No.362 of 2020 on the file of the respondent police.

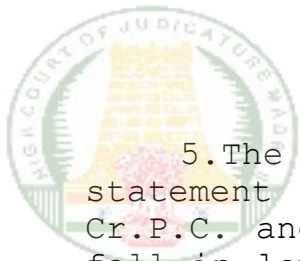
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 366A, 506(2) of I.P.C. r/w Section 34 and 4 of POCSO Act, in Crime No.362 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner kidnapped the minor victim girl aged about 16 years who is daughter of the defacto complainant under the guise of love. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is working as driver at Kerala and he never involved any offence as alleged by the prosecution. He further submitted that due to previous enmity between the parties, a false case has been foisted against the petitioner. Hence, he seeks anticipatory bail.



5.The learned Government Advocate (criminal side) produced the statement of minor victim girl, recorded under Section 164 of Cr.P.C. and submitted that the victim girl aged about 16 years who fall in love with the petitioner. Under the pretext of love affair the petitioner also got married the minor victim girl and the petitioner kidnapped the minor victim girl and had sexual assault. He further submitted that, thereafter the petitioner left the victim girl and flew away.

6. It is seen from the records that the petitioner is aged about 25 years and he kidnapped the minor victim girl aged about 16 years under the pretext of love and married her and also taken to Kanniyakumari and they were resided more than four days and also had sexual assault on her and thereafter, he left and flew away.

7.Considering the fact and circumstances of the case and considering the fact that the petitioner has committed very serious and heinous offence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the the Criminal Original Petition stands dismissed.

sd/-
12/10/2020

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/ /2020
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,
MUTHIYAPURAM POLICE STATION,
TUTICORIN, TUTICORIN DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11166 of 2020
Date :12/10/2020