



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

Date : 09/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.11100 of 2020

1. P.Chinnathurai
2. Velammal

... Petitioners/Accused No.2&3

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.
Cr No.19/2020.

... Respondent/Complainant

For Petitioners: Mr.P.Banuprasath,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.19 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(j)(ii), 6, 9 and 10 of Protection of Child from Sexual Offences Act, 2012, in Crime No.19 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused fell in love with the victim girl, who is aged about 15 years old and she is the minor girl. Thereafter, the petitioner had sexual intercourse with the victim girl with a false promise to marry her and subsequently, she got pregnant. Thereafter, the first accused got married the victim girl. After the marriage, the petitioners and the first accused said to have abused the defacto complainant by using



filthy language and harassed her and also demanded dowry from the victim girl. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the main allegation is only against A1. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioners have abused the defacto complainant by using filthy language and harassed her and also demanded dowry from the victim girl.

6. On perusal of the records, it is seen that the first accused and the defacto complainant loved each other. The first accused on false promise to get marry her, had sexual intercourse with the defacto complainant, due to which, she got pregnant. Thereafter, the first accused got married the defacto complainant. After the marriage, the first accused and the petitioners harassed the defacto complainant and also demanded additional dowry.

7. Considering the facts and circumstances of the case and also considering the fact there is a specific overt act attributed against the petitioners, I am not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this criminal original petition is dismissed.

sd/-
09/10/2020

/ TRUE COPY /

/ /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,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11100 of 2020

Date :09/10/2020

VSG

SRS/ AKM/SAR-III/ 15.10.2020/ 3P/3C