



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

Date : 04/11/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.12352 of 2020

1.Ahash @ Maria Ratha Ahash
2.Yogesh @ Maria Chandra Yogesh
3.Kithieriyar
4.Pitchai @ Antony Pitchai
5.Jeyson

... Petitioners/Accused
Nos.1 to 5

Vs

The State rep.by
The Inspector of Police,
South Police Station,
Tuticorin District.
Crime No.512/2020

... Respondent/Complainant

For Petitioners : Mr.K.Jeyamohan,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.512 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 323, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act altered into Sections 147, 294(b), 341, 323, 506(ii) of IPC and Sections 7 & 8 of POCSO Act in Crime No.512 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that when the victim girl and the complainant's aunt were going in their bike, the accused



person sexually assaulted the victim girl and abused her in filthy language. When it was questioned by the defacto complainant's aunty, the accused persons attacked her. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the occurrence took place on 30.06.2020 and the complaint lodged only on 03.07.2020. Due to business motive between the petitioners and the defacto complainant, a false case has been registered.

5.The learned Government Advocate(Crl.Side) appearing for the respondent police produced 164 Cr.P.C., statement of the victim girl and would submit that the petitioners abused the victim girl and sexually harassed her and when the same was questioned by the defacto complainant's aunt, the petitioners attacked her. He would further submit that initially FIR was registered for the offence under Sections 147, 294(b), 341, 323, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act and subsequently, after recording the statement of the victim girl, the sections were altered and hence, there is no question of after thought.

6.It is seen that there are totally five accused. On perusal of the statement recorded under Section 164 Cr.P.C., it is revealed that the petitioners sexually harassed the victim girl and attacked the defacto complainant's aunt, due to previous business motive. The occurrence took place on 30.06.2020. After recording the statement of the victim girl, the sections were altered.

7.Considering the facts and circumstances of the case and also considering the specific overt act, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-
04/11/2020

/ 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,
SOUTH POLICE STATION,
TUTICORIN DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12352 of 2020

Date : 04/11/2020

GNS

TK/PN/SAR.4/18.11.2020/3P/3C