



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2020

PRESENT

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

CRL OP(MD) . No.14879 of 2020

Ahash @ Maria Ratha Ahash ... Petitioner/Accused No.1

Vs

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

For Petitioner : M/s.K.Jeyamohan,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.512 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends 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, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that when the victim girl and the defacto 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 petitioner and other accused attacked her. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. 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 petitioner and the defacto complainant, a false case has been registered. He would further submit that the investigation has been completed and as such the petitioner filed this petition.

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 petitioner and other accused 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. He would further submit that this is the second anticipatory bail peititon.

6.It is seen that there are totally five accused and the petitioner is arrayed as A1. On perusal of the statement recorded under Section 164 Cr.P.C., it is revealed that the petitioner and other accused 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.It is the case of anticipatory bail. In the anticipatory bail, there is no question of change of circumstances since, the custodial interrogation of the petitioner is very much necessary.

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

sd/-
16/12/2020

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

ORDER
IN
CRL OP(MD) No.14879 of 2020
Date :16/12/2020

Ls
AE/KV/SAR-II (28.12.2020) 3P / 3C