



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

Date : 21/12/2020

PRESENT

**The Hon`ble Mr.Justice S.M.SUBRAMANIAM**

CRL OP(MD). No.15346 of 2020

Selvam

... Petitioner/1<sup>st</sup> Accused

Vs

The State rep.by  
The Special Sub-Inspector Of Police,  
Allinagaram Police Station,  
Theni, Theni District.  
Crime No.2429/2020

... Respondent/Complainant

For Petitioner : Mr.G.Vanjinathan,  
Advocate.

For Respondent : Mrs.M.Anantha Devi,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.2429 of 2020 on the file of the respondent Police.

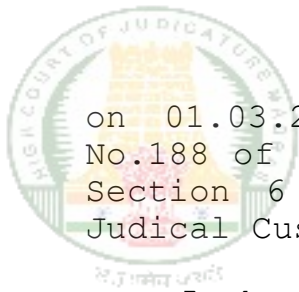
**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 354(D), 195(A) & 506(i) of I.P.C.and Section 12 of POCSO Act, 2012 in Crime No. 2429 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The Anticipatory bail petition is filed mainly on the ground that the defacto complainant is the relative of the petitioner and due to the family dispute, the defacto complainant had preferred a complaint against the petitioner/ 1st accused.

4. The learned counsel for the petitioner states that the allegations are false and the petitioner is an innocent of the allegations. The petitioner was arrested by the respondent police



on 01.03.2020, immediately after registering the case in Crime No.188 of 2020 under sections 294(b), 366 and 506(i) of I.P.C. and Section 6 of POCSO Act, 2012. The petitioner was remanded to Judicial Custody.

5.The petitioner moved a bail petition in CrI.OP(MD) No.6122 of 2020 and this Hon'ble Court granted bail in order, dated 12.06.2020.

6.The learned Government Advocate raised serious objections by stating that the petitioner earlier arrested and released on bail by virtue of the order passed by this Court. After his release, he started threatening the defacto complainant and her family members by stating that they should not give any evidence or depose before the Police. In view of the fact that the petitioner / 1st accused threatened the defacto complaint as well as the victim girl and relatives, again they approached the respondent police, who in turn, refused to register a case against the petitioner / 1st accused. The victim girl went to the Mahila Court and made a complaint. At the instance of the Court proceedings another case was registered against the petitioner / 1st accused in Crime No.2429 of 2020. Against which, the present Anticipatory bail petition is filed.

7.The first case was registered against the petitioner in Crime No.188 of 2020 under the POCSO Act. The victim girl was studying in a School and aged about 14 years. The 164 statement deposed by the victim girl reveals that the petitioner has committed some serious alleged offence which require further investigation by the respondent police.

8.In view of the fact that after obtaining an order of bail from this Court in CrI.OP(MD) No.6122 of 2020 dated 12.06.2020, the petitioner committed another crime by threatening the defacto complainant as well as the victim girl, not to give evidence to the police. The respondent police refused to register a case, the minor victim girl approached the Mahila Court and due to the interference of the Court, the Crime No.2429 of 2020 is registered.

9.Mr.R.Rengasamy, Special Sub Inspector of Police, Allinagaram Police Station, Theni, appeared before this Court and he replied in a casual manner that the petitioner is absconding. No responsibility has been shown by the respondent police nor appropriate actions are taken.

10.In view of the fact that the respondent police had refused to register a case against the petitioner / 1st accused inspite of the fact that the minor victim girl came to the Police Station and said that the petitioner / 1st accused was threatening her not to give evidence regarding the offence committed by the petitioner / 1st accused. However, all these factors are to be investigated by the Police Officials concerned. Though it remains as an allegation, the objections raised by the learned Government Advocate in this



regard, is undoubtedly serious, warranting an action by the Higher Authorities of the Police Department.

11. This Court is of the considered opinion that the inaction of the respondent police is to be viewed seriously and appropriate disciplinary actions are to be initiated against the Station Officials, who refused to register a case, on receipt of the complaint either orally or in writing by the 14 years old minor victim girl stating that she was threatened by the petitioner / 1st accused not to give evidence in Crime No.188 of 2020. If such a situation is not dealt with properly then it would be difficult to prosecute such offenders and people will lose confidence on the police stations.

12. When the Courts have repeatedly held that on receipt of the complaint, the police is bound to register a case and the Hon'ble Supreme Court also in unequivocal terms directed to register case on receipt of complaint, the respondent police in this case refused to register a case, which requires urgent action by the appropriate Police Authority.

13. The offence is alleged to have been committed against 14 years old school going girl and further, there is an allegation against the Police Officials for not registering a case, despite the fact that the complaint was given regarding threatening. Thus, the Inspector General of Police, Madurai South Zone, Madurai is directed to look into the files and issue appropriate directions to the Superintendent of Police to investigate the matter with any other Police Official not below the rank of Deputy Superintendent of Police and accordingly, prosecute the offenders by following the procedures contemplated under law. Further, the investigations are to be intensified and all appropriate actions are to be initiated as expeditiously as possible.

14. With these directions, the Anticipatory bail petition stands dismissed.

sd/-  
21/12/2020

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE SPECIAL SUB-INSPECTOR OF POLICE,  
ALLINAGARAM POLICE STATION,  
THENI,  
THENI DISTRICT.



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

**COPY TO:**

THE INSPECTOR GENERAL OF POLICE,  
MADURAI SOUTH ZONE, MADURAI.

ORDER

IN

CRL OP(MD) No.15346 of 2020

Date :21/12/2020

RM

TK/VR/SAR.1/07.01.2021/4P/4C