

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice S. KANNAMMAL

CRIMINAL ORIGINAL PETITION No.8703 of 2021

P.VENKATESAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM,
THIRUVARUR DISTRICT
(CRIME NO.10 OF 2020)

[RESPONDENT]

For Petitioner : M/S.A.MANOJ KUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 6 r/w. 5 (L) 5(j)(ii) of POCSO Act, in Crime No.10 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the date of occurrence is of the year 2019, the defacto complainant, namely, one Sowmiya made an allegation against the petitioner that he had physical relationship with the defacto complainant and promised to marry her, but refused to marry the defacto complainant and she delivered a baby. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally Two (2) accused in this case and the petitioner is A2. A1 already arrested still in judicial custody. A1 had already married and having two children. In the meanwhile, A1 had sexual intercourse with the victim girl and she delivered a baby. During investigation, the victim girl stated A1 along with this petitioner had physical relationship with her. The learned Government Advocate also stated that the first bail application granted and petition for time extension for non-executing of surety was allowed on condition that failing which the petition for anticipatory bail shall stand automatically dismissed. He further submitted that the potential test and DNA test must be taken from the petitioner for interrogation. Hence, the learned Government Advocate (Crl.Side) vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also in view of the submissions made by the learned Government Advocate (Crl.Side), this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
12/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.A.MANOJ KUMAR Advocate on payment of necessary charges

CRL OP.8703/2021

Date :12/05/2021

MK:01/07/2021