



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20574 of 2021

1 V.VIJAYA [PETITIONERS / ACCUSED]
2 S.KAVITHA
3 V.GEETHA
4 R.KUMAR @ SELVAKUMAR
5 M.MARIYAPPAN

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET, SALEM.
CRIME NO.39 OF 2021.

For Petitioner : M/S.R.RAJARAJAN Advocate

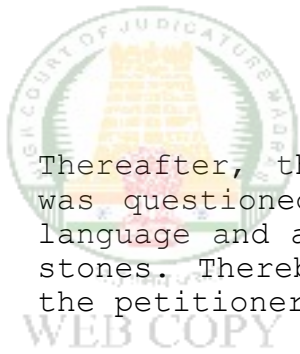
For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Section 5(i) 5(i)(ii), 6 of POCSO Act R/w Section 294(b) & 506(1) of Indian Penal Code in Cr.No.39 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that accused/A-1 is the husband of the victim girl, aged about 16. Thereby, accused/A-1 threatened and induced the victim girl to have sexual relationship and had physical contact with her. After knowing that the victim girl was pregnant, the petitioners, who are the family members and relatives of accused/A-1 threatened the victim girl to abort her pregnancy.



Thereafter, the victim girl informed her parents and when the same was questioned by them, the petitioners threatened and used filthy language and assaulted the victim and her parents with wooden log and stones. Thereby, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the earlier anticipatory bail application was dismissed by this Court in CrI.O.P.No.17505 of 2021 dated 30.09.2021 however, the petitioners are only family members of accused/A-1. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) submitted that A-1 induced the victim girl to have sexual relationship due to which the victim become pregnant and delivered a baby. He further submitted that earlier this Court had dismissed the anticipatory bail petition filed by the petitioners and this is the second anticipatory bail petition filed by them. The Statement of the victim girl has also been recorded under Section 164 Cr.P.C. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. This Court perused the Statement of the victim girl under Section 164 Cr.P.C. in which the victim has revealed that accused/A-1 forced the victim to have sexual relationship and allegation are also levelled against the petitioners that they threatened the victim girl to abort her pregnancy and that the earlier anticipatory bail petition was dismissed by this Court and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is dismissed.

-sd/-
01/11/2021

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,
AMMAPET, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.RAJARAJAN Advocate on payment of necessary
charges SR.NO.12355

CRL OP.20574/2021

Date :01/11/2021

JPA 16/11/2021