



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.22978 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.
IN CRIME NO.39 OF 2021.

For Petitioner : M/S. R.RAJARAJAN Advocate

For Respondent : MR. S.BALAJI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5(1)(j)(ii) and 6 of POCSO Act read with Sections 294(b), 506(1) of IPC in Cr.No.39 of 2021 on the file of the respondent police, seeks 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 the 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. Hence, the complaint.



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. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl. side) submitted that this is the third bail application of the petitioner and A-1 induced the victim girl to have sexual relationship due to which the victim girl became pregnant and delivered a baby. The statement of the victim girl has also been recorded under Section 164 Cr.P.C. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.This court perused the 164 statement, in which the victim girl has revealed that accused/A-1 forced the victim girl to have sexual relationship and allegation are also levelled against the petitioners that they threatened the victim girl to abort her pregnancy. Considering the gravity of the offence committed by the petitioners and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is dismissed.

-sd/-

08/12/2021

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.

CC to M/S. R.RAJARAJAN Advocate on payment of necessary charges

CRL OP.22978/2021

Date :08/12/2021

RW 16/12/2021