



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

Date : 21/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.4395 of 2021

Singh

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
(Crime No.34 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Kishore.C,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.34 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 & 506(i) IPC r/w Sections 5(n), 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 506(1) IPC in Crime No.34 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working in Indian Army and the defacto complainant is his daughter. The petitioner forcibly had sexual relationship with his two daughters for the past three years. When the mother of the defacto complainant questioned the illegal and immoral act of the petitioner, he threatened her by stating that he would kill them all. On 10.08.2020 at about 10.00 pm., when the petitioner tried to rape the defacto complainant, she escaped from him and gave this complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that the mother of the defacto complainant had illegal intimacy with some other person and had also mishandled the fund given by the petitioner.



When the petitioner, questioned about the same, the present false case has been foisted against him. Therefore, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that the petitioner involved in a serious offence against his own daughters and he has been absconding from the justice. Because of his abscondence, investigation in this case could not be progressed.

5.It is seen that there are serious allegations against the petitioner that he raped his own daughters and that he criminally intimidated his wife. It is also seen that four previous anticipatory bail petitions were dismissed by this Court and there is no progress in the investigation, because of abscondence of this petitioner. Considering all these aspects, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
21/04/2021

/ TRUE COPY /

/ /2021
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,
ALL WOMEN POLICE STATION,
MARTHANDAM, KANYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KISHORE.C Advocate SR.No.17098

ORDER
IN
CRL OP(MD) No.4395 of 2021
Date :21/04/2021

gns

<https://hcmvce.org.in/157098> 5.2021/2P/4C