



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5900 of 2021

Natarajan

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.

Crime No. 65 of 2021...

... Respondent/Complainant

(Amended as per order of this Court dated
28.04.2021 in Crl.M.P.(MD)No.3502 of 2021
in CRL OP(MD). No.5900 of 2021)

For Petitioner : Mr.B.Santhanam Rajesh Kumar
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

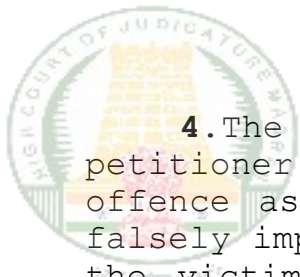
PRAYER :- For Anticipatory Bail in Crime No.65 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 366(A) of IPC r/w Sections 5(1) and 6 of POCSO Act, Section 9 of Child Marriage Act, 2006 in Crime No.65 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions made that this case was originally registered for Girl Missing in Crime No.65 of 2021. The defacto complainant alleged that the victim girl did not return to home from the School on 20.03.2021. Hence, this case came to be registered.



4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case. He would further submit that the victim girl did not say anything before the learned Judicial Magistrate about the sexual assault committed by the petitioner against her and said that she had gone to Coimbatore for working in a Mill and hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that though the victim girl did not say anything in the 164 statement about the sexual assault alleged to have been committed by the petitioner against her, in the 161 (3) statement, recorded on the very next day (02.03.2021), it is clearly stated about the penetrative sexual assault committed by the petitioner against her. This case was registered on 23.02.2021 and therefore, medical examination of the victim girl and the petitioner is necessary.

6. Considering the facts and circumstances of the case, seriousness of the allegation made against the petitioner and also the medical examination of the petitioner is necessary, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

sd/-

28/04/2021

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

ORDER IN

CRL OP(MD) No.5900 of 2021

Date : 28/04/2021