



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P.(MD)No.8303 of 2021

V.Anil Varghees

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The State rep by
Inspector of Police,,
All Women Police Station,
Colachel,
Kanyakumari District.
(Crime No.3 of 2021)

... Respondents/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Judge for POCSO Act cases of Kanyakumari at Nagercoil to number the bail petition in Sr.No.437 of 2021 filed on 11.05.2021.

For Petitioner	:	Mr.L.Jeen Felix
For Respondents	:	Mr.R.M.Anbunidhi Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the learned Special Judge for POCSO Act cases of Kanyakumari at Nagercoil to number the bail petition in Sr.No.437 of 2021 filed on 11.05.2021.

2.The case of the petitioner is that his actual name is V.Anil Varghees, S/o. Varghees and he has been arrayed as an accused in Crime No.3 of 2021 on the file of the second respondent herein. The petitioner has been arrested and remanded to the judicial custody on 10.05.2021 by the second respondent police. On 11.05.2021, the petitioner has filed a bail application before the concerned Court and the same came to be returned stating that there is a difference in name and the petitioner's name is not mentioned in the First Information Report. Now, according to the petitioner, his correct name is V.Anil Varghees, but in the First Information Report, his name has been wrongly mentioned as, Anilkumar and he has also produced a document to show that his correct name is V.Anil



Varghees.

3. Heard the learned counsel appearing on either side.

4. On perusal of the records, it appears that the petitioner's name has been wrongly mentioned in the FIR as well as in the remand report. It is the duty of the concerned Court to consider the same and more particularly, when there is no dispute with regard to the identity of the person, who has been arrested and remanded to custody and the person, who has filed the bail application.

5. In view of the above, there shall be a direction to the learned Special Judge for POCSO Act cases of Kanyakumari at Nagercoil, to number the petition and to decide the matter on merits and in accordance with law within a period of seven days from today.

6. With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Special Judge for POCSO Act cases of Kanyakumari at Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Inspector of Police,,
All Women Police Station,
Colachel,
Kanyakumari District.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-20229[F] dated
25/06/2021)

Crl.O.P. (MD)No.8303 of 2021
25.06.2021

svn(CO)
TR(29.06.2021) 3P 6C