



WEB COPY

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

Date : 09/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.8710 of 2021

S.T.Ravikumar

... Petitioner/2nd Accused

Vs

The State Rep. by
The Inspector of Police (AWPS),
Karaikudi Police Station,
Karaikudi, Sivagangai District.
(Crime.No. 11 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Manikandan S,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

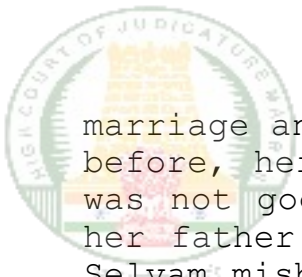
PRAYER :-

For Anticipatory bail in Crime No.11 of 2021 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), 506(i), 406, 420 r/w 109 IPC and Sections 7 & 8 POCSO Act in Crime No.11 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband Arumugam died 8 years back. She has two minor daughters aged 13 and 12 respectively. After death of the defacto complainant's husband, her father Selvam under the influence of alcohol tried to misbehave with the defacto complainant. He asked her to share bed with him. The petitioner herein also threatened her to adjust. Later on the advice of the defacto complainant's mother, she remarried one Ramkumar on 16.05.2014 and they were taking care of the children. Her father did not accept this



marriage and took her two daughters for keeping with him. Two years before, her mother left her father for the reason that his conduct was not good. Her daughters continued to be under the custody of her father. Later it was informed by her daughters that her father Selvam misbehaved with her daughters by touching inappropriately at their private parts. Selvam took her daughters to one Vijayalatchmi's house where the said Vijayalatchmi's son Naveenkumar misbehaved with his daughters. Then, her daughters were taken to one Sornalatha's house and her son Sundar also misbehaved with the daughters of the defacto complainant. The petitioner herein used to come to the house of Selvam during night hours and they used to consume alcohol. Petitioner compelled the daughter of the defacto complainant to prepare omelette. While consuming alcohol, he used to keep victim girl on his lap and touch inappropriately at her private parts. Therefore, she informed child help line and later this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. He is the family friend and used to go to Selvam's house. It is his submission that since the defacto complainant's father did not accept her second marriage and hence, the petitioner had advised her why she is not taking care of her father. Therefore, the present false case came to be foisted against him. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed and this case was registered only on 25.06.2021. Therefore, he seeks dismissal of this petition.

5.It is a case where two young minor girls said to have been sexually abused by their grandfather and at least three individuals including this petitioner.

6.The learned Government Advocate(Crl.side) produced Section 164 Cr.P.C., statement of the victim girl. In her statement she had implicated this petitioner that he used to compel her to sit on his lap. The defacto complainant had also given similar complaint. The allegation against this petitioner is serious in nature. Investigation in this case is in preliminary stage. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
09/07/2021

/ 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,
(AWPS), KARAIKUDI POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.S.MANIKANDAN, Advocate (SR-4458[I] dated 09/07/2021)

ORDER
IN
CRL OP(MD) No.8710 of 2021
Date :09/07/2021

GNS
TE/JC/SAR-II : 13/07/2021 : 3P/4C