



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12831 of 2021

1. Archunapandi
2. Krishnapandi
3. Balakrishnan
4. Suriya Narayanan

... Petitioners/Accused
Nos.1 to 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Tuticorin District.
(Cr.No. 16 of 2021).

... Respondent/Complainant

For Petitioner : M/s.J.David Ganesan, Advocate
for M/s.P.Balamurugan, Advocate.

For Respondent : M/s.T.Senthil Kumar,
Government Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(n), 5(m), 5(1), 6, 9(n) and 10 of POCSO Act, 2012 and 506(i) of IPC in Crime No.16 of 2021, seek anticipatory bail.



2. The case of the prosecution is that the petitioners had sexual intercourse with the defacto complainant and also caused criminal intimidation to her. Hence, the complaint.

3. The learned counsel for the petitioners submits that the first petitioner is the grandfather of the defacto complainant and the petitioner Nos.2 to 4 are the sons of the first petitioners and the uncles of the defacto complainant. After the demise of the mother of the defacto complainant, her father married another woman, due to which, she was mentally affected. She eloped with one Joseph thrice, for which, the petitioners have also lodged a complaint and they have advised her not to do so. Hence, she lodged a false complaint before the respondent Police.

4. The learned Additional Public Prosecutor submits that the victim girl was found roaming near Nasarth Bus Stop and on enquiry by the Police Officer, the victim girl stated that she is afraid of going home. Therefore, the Police Officer handed over the custody of the child to the Child Welfare Committee, Tuticorin on 30.05.2021. The victim girl, while she was in the custody of the Child Welfare Committee, has disclosed the commission of offence by the petitioners. On information, the Additional Superintendent of Police recorded a statement on 09.08.2021. The victim girl was also produced before the learned Judicial Magistrate, Sathankulam on 09.08.2021, where statement under Section 164 Cr.P.C was recorded. In the statement, the victim stated that the petitioners have sexually abused her for the past five years.

5. The learned counsel appearing for the petitioners has submitted that the victim girl is having illicit relationship with one Joseph and she eloped with him for three times. Since it was objected to by the petitioners, she lodged a false complaint against the petitioners.

6. The learned Additional Public Prosecutor submits that apart from these petitioners, the victim is having another paternal uncle namely Krishnan and she has not stated anything about the involvement of the above said Krishnan, who is also residing in the same house. He further submits that the occurrences took place in various places.

7. That apart, the Police Officer, who assisted the Additional public Prosecutor, also submits that during the course of investigation, the neighbours of the petitioners have stated that the petitioners used to call her in abusive terms.

8. Considering the facts and circumstances of the case, the nature of allegations levelled against these petitioners, this Court



is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

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Sd/-
20/09/2021

/ /2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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,
Tiruchendur,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12831 of 2021
Date :20/09/2021

SP/SKN/SAR IV/07/10/2021/3P/3C