



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.16121 of 2021

Ayyanar

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram Distirct.
(Crime No.209 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Karuppasamy Pandiyan.G.,
Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.209 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 11(1), 11(4) and 12 of POCSO Act 2012, in Crime No.209 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The victim girl is aged about 16 years and studying 10th standard. The case of the prosecution is that the petitioner is a Bus Conductor in a Town Bus No.24, where the victim girl used to travel to School. On 14.09.2021, the petitioner gave a passenger ticket by writing his phone number on its backside and threatened the victim girl to talk with him on phone.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The allegation mentioned in the FIR would not constitute the offence under POCSO Act and there is no sexual harassment on the victim girl. He further submits that this is the second anticipatory bail petition. The first anticipatory bail petition filed by the petitioner was dismissed by this Court vide order dated 23.09.2021 in CrI.O.P.(MD)No.14135 of 2021. In this case, the investigation is almost over. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner is having three previous cases and on that ground, the first anticipatory bail petition filed by the petitioner was dismissed by this Court. The details of the previous cases are as follows:

S.No.	Crime No.	Offences	Police Station
1.	216/2020	147, 148, 294(b), 323, 505 (1) of IPC @ 147, 294(b), 323 and 506(i) IPC	Chatrakudi Police Station
2.	213/2020	294(b), 323, 324, 506(i) of IPC @ 147, 148, 294(b), 323, 324 and 506(i) IPC	
3.	147/2018	294(b), 435 and 406(i) of IPC	

5. Considering the nature of offence and the antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
25/10/2021

/ TRUE COPY /

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

OGY

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.



1. The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram Distirct.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.16121 of 2021
Date :25/10/2021

SP/JM/SAR I/11/11/2021/3P/3C