



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11896 of 2022

THIRUMAL

[PETITIONER / ACCUSED]

Vs

UNION TERRITORY OF PUDUCHERRY
REP BY, THE STATION HOUSE OFFICER (SHO),
ORLEANPET POLICE STATION, PUDUCHERRY.
(CR NO.170/2021).

[RESPONDENT]

For Petitioner : M/S PRAKASH ADIAPADAM Advocate

For Respondent : Mr.V.Balamurugane Public Prosecutor for Pondicherry

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 16, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012 and 370(4), 370(A) & 366-A of IPC and Section 5(1) (d) (ii), 6(2A) of Immoral Traffic (Prevention) Act, 2012 in Crime No.170 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the minor daughter of the defacto complainant was undergoing beautician training under the first accused/A1. Under the guise of training-cum-employment, the owner of the beauty parlour compelled his daughter to have sex with the several customers. This petitioner is one such customer and his photo has been identified by the victim girl from the facebook account. Thereafter, a Child Welfare Committee had intervened and the complaint was given through Child Welfare Committee.

3. The investigation has revealed that the petitioner has purchased a SIM card in the name of the employee of his father and using this number for his personal purposes. This number is found in the dairy of the first accused, who is the owner of the beauty parlour. She is the prime accused, who has engaged the minor girl in flesh trade and this petitioner and others are her customers. The



first accused has confessed that she has arranged the minor girl to have sex with these persons for money. The victim girl has also identified this petitioner as one of the person whom she was forced to have sex for money. Due to poverty, she obliged.

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4. The call details and the dairy entries collected during the course of investigation has been placed before this Court to show that the petitioner is not an innocent person. Evidence including the statement of the victim girl identifying this petitioner as one of the person, who has sex with her prima facie proves the involvement of the petitioner in the offence of committing penetrative sexual assault on a minor child.

5. The Face Book Photo identified by the victim child is required to be confirmed by conducting identification parade. This petitioner is absconding and he is not available for investigation. Under these circumstances, this petition for anticipatory bail is devoid of merit.

6. The learned counsel for the petitioner submitted that the petitioner is an innocent person and no way connected with the alleged offence. However he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

7. The learned Additional Public Prosecutor submitted that the investigation is not yet completed and if the petitioner is granted anticipatory bail, there is a possibility to tamper the witnesses and hamper the investigation. He would also submit that this is the second anticipatory bail petition before this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

8. Considering the above facts and circumstances and also considering the fact that the petitioner has committed heinous crime to the victim girl and also there is no change of circumstances in this case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 UNION TERRITORY OF PUDUCHERRY,
THE STATION HOUSE OFFICER (SHO),
ORLEANPET POLICE STATION,
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S PRAKASH ADIAPADAM Advocate on payment of necessary
charges

CRL OP.11896/2022

Date :19/05/2022

RVR 25/05/2022