



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 29/04/2022  
PRESENT

WEB COPY

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD).No.6074 of 2022

Singh

... Petitioner/Sole Accused

**Vs**

The State rep.by  
The Inspector of Police,  
All Women Police Station, Marthandam,  
Kanyakumari District.  
Crime.No. 34 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.KATHIRVELU, Senior Counsel  
for M/s.PRABHU.K, Advocate.  
For Respondent : Mr.T.SENTHILKUMAR,  
Government Advocate (Crl.Side)

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

**PRAYER :-** For Anticipatory Bail in Crime No. 34 of 2020 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(n), 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 and Section 506(i) IPC in Crime No.34 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner is working in Indian Army and the defacto complainant is his daughter. The petitioner forcibly had sexual relationship with his two daughters for the past three years. When the mother of the defacto complainant questioned, the illegal and immoral act of the petitioner, he threatened her that he would kill them all. On 10.08.2020 at about 10.00 pm, when the petitioner tried to rape defacto complainant, she escaped from him and lodged the present complaint.

4.In earlier occasion, the learned counsel appearing for the petitioner submitted that this is the seventh application filed by

<https://hcservices.ecourts.gov.in/hcservices/>



the petitioner seeking anticipatory bail. He further submitted that the petitioner is working in Indian Army and he used to visit his house once in a year. The defacto complainant is his wife, who developed illegal intimacy with several male persons and when this petitioner condemned the same, this case has been foisted as against the petitioner as if he attempted to malice his own daughters.

5. In view of the submissions made by the learned senior counsel for the petitioner, this Court granted an order of interim anticipatory bail to the petitioner and directed the respondent to ascertain the truth and file a report before this Court. The Inspector of police has also filed a report on 27.04.2022 stating that she once again examined the victim girls and they have confirmed the commission of offence. However, the Inspector of police has also proceeded with the allegations made as against the defacto complainant and ascertained that she is having intimacy with several men. The Inspector of Police has confirmed the same in her report and there was an issue with regard to that prior to the occurrence.

6. This Court considered the rival submissions made and also perused the records including the medical certificates issued to the victims.

7. Admittedly, the petitioner is working in Indian Army leaving his wife and two daughters. It appears that she is having illegal intimacy with several men and there was also an incident prior to the occurrence, where, the villagers have also contemned the defacto complainant. In this background and also considering the fact that he is working in Indian Army, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for POCSO Act, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

**[a]** the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

**[b]** the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

**[c]** the petitioner shall not tamper with the evidence or witness either during investigation or trial.



[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/04/2022

/ TRUE COPY /

17/05/2022

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 JUDGE,  
SPECIAL COURT FOR POCSO ACT,  
NAGERCOIL.
- 2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, MARTHANDAM,  
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PRABHU.K Advocate SR.No.4294 (Date:04/05/2022)

**ORDER IN**

CRL OP(MD) No.6074 of 2022

Date :29/04/2022

SA/JM/SAR.3/17.05.2022/3P/5C