



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 18/07/2022

WEB COPY

PRESENT
The Hon'ble Mr.Justice **G.ILANGOVA**

Crl.OP(MD)No.11456 of 2022

Pappa : Petitioner/Accused No.3
Vs.

State through the
The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No.9 of 2022) : Respondent/Complainant

For Petitioners : Mr.R.Anandharaj

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

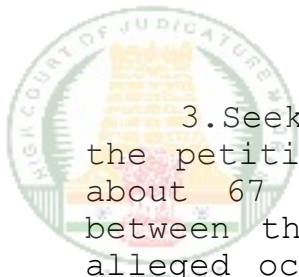
PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3 apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 342, 506(i) IPC and sections 6, 16, 17 and 18 of POCSO Act, in Crime No.9 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the victim girl. She along with her brother was in the custody of her grand mother namely Veerammal. The mother deserted them and father also married some other lady. After completing the 10th Standard education, she was in the house. Later, she joined in a shop. At one day, she was taken to the first accused house by A2. At that time, in that house, A1 committed sexual assault, for which A2 colluding. On 20/02/2022, again A1 invited her to A3 house. She was taken to A3 house and A3 who is the petitioner pushed her to sofa and locked the door. A2 tried to sexually assault her. She escaped from that place and went to upstairs and later, her grand mother and brother came there. She was taken to the hospital. Based upon the complaint, the case was registered.



3. Seeking anticipatory bail, this petition has been filed by the petitioner, who is arrayed A3 on the ground that she is aged about 67 years and absolutely, there was some sort of dispute between the family and this petitioner is noway connected in the alleged occurrence took place between the de-facto complainant and A1 and A2.

4. But the contention that there was a dispute with regard to the ancestral property and the reason for filing this complaint cannot be taken into account at this stage, since materials have been collected during the course of investigation to show the involvement of the petitioner in this offence.

5. Reading of the statement of the de-facto complainant, who is the victim girl also shows that unable to bear the torture that was made by A1, even she went to the level of committing suicide.

6. Considering the serious allegation made against this petitioner, she is not entitled for anticipatory bail. She must be taken into judicial custody to find out the truth and the involvement of the petitioner in the above said sexual assault.

7. So In find no merit in this petition and accordingly, this petition is liable to be dismissed.

8. In the result, this criminal original petition is **dismissed**.

sd/-

18/07/2022

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/07/2022

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

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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,
Theni,
Theni District.

<https://www.mhc.tn.gov.in/judis>



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

ORDER

IN

CRL OP(MD) No.11456 of 2022

Date :18/07/2022

RK/VR/SAR-III/20.07.2022/3P/3C