



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP (MD) . No.12723 of 2022

Suresh

... Petitioner/Sole Accused

Vs

State rep.by

The Inspector of Police,
Serndhamaram Police Station,
Tenkasi District.
(Crime.No.173 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Karthick.R.J, Advocate.

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

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

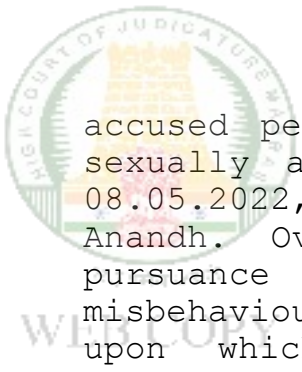
PRAYER :-

For Anticipatory Bail in Crime No.173 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(1) r/w 6,8,7,12,11(i) of Protection of Children from Sexual Offences Act, 2012, in Crime No.173 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complaint lodged a complaint stating that his younger son namely, Hariharan aged about 16 studying 11th standard in M.M.Higher Secondary School, Idaikal. On 07.05.2022, at about 11.30 p.m, temple festival was going on in the village. The above said Hariharan went to witness the festival. At that time, the accused Suresh called him and showing the videographs containing obscene and at that time, the



accused person alleged to have misbehaved with his son and also sexually assaulted him. That was not disclosed by his son. On 08.05.2022, the accused Suresh, similarly misbehaved with one Anandh. Over that issue, there was trouble between them. In pursuance of the above said occurrence, only on 11.05.2022, the misbehaviour of the accused was also disclosed by Hariharan. Based upon which, present complaint has been registered. Seeking anticipatory bail, this petition has been moved by the accused.

3. Heard both sides.

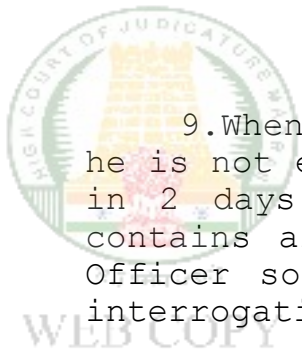
4. The learned counsel for the petitioner would submit that due to the election motive, false case has been foisted upon the petitioner after delay.

5. It is seen that with regard to the above said occurrence, there were 3 FIRs in Crime No.169 of 2022 Crime No.170 of 2022 and Crime No.173 of 2022 has been registered within a period of 2 days. Crime No.169 of 2022 and Crime No.170 of 2022 have been registered on the very same day. Crime No.173 of 2022 has been registered on the basis of the complaint given by the this petitioner against 4 persons namely, Karuppasamy @ Karthick, Ramsundar, manikanda Baskar and Ananthakumar. As mentioned earlier, Crime No.169 of 2022 and Crime No.170 of 2022 are case and case in counter. Which arose, due to the alleged indecent proposal made by the petitioner to one Anandh. For which, the petitioner herein lodged a complaint in Crime No.170 of 2022, stating that there was previous enmity between him and the defacto complainant. The defacto complainant is also a political functionary. Before him one Muthaiah was in that place. In order to celebrating golden jubilee of party, in the month of 2021, a inscription was put up to celebrate the party. In that stone inscription, the name of the Muthaiah did not find place. Because of the above said issue there was enmity between them. Over the above said enmity only, they have been assaulted by the accused persons.

6. Per contra, the learned Additional Public Prosecutor would submit that only because of misbehaviour with one Anandh, the above said occurrence took place. It is seen that in the above said occurrence both sides got injury. Case and counter case have been registered.

7. It is seen that serious misconduct of sexual misbehaviour has been alleged against the petitioner. The respondent, who is the Investigation Officer before the Court stating that he made a thorough enquiry with regard to the issue between them. On her spot enquiry, it was found that the petitioner is having such sort of behaviour and causing disturbance to the young.

8. On hearing this, the learned counsel for the petitioner would submit that the village itself is behind the above said Muthaiah in making false allegation against him.



9. When such serious allegation has been made out against him, he is not entitled for anticipatory bail even though there was delay in 2 days in lodging the FIR. Further, the mobile phone, which contains alleged videographs not yet recovered by the Investigating Officer so far. So, the petitioner must undergo proper custody and interrogation.

10. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
26/07/2022

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/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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,
SERNDHAMARAM POLICE STATION,
TENKASI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.12723 of 2022
Date : 26/07/2022

SP/SVR/SAR I/29/07/2022/3P/3C