



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.12963 of 2022

M.Soundar ... Petitioner/ Sole Accused

Vs

State Rep.by
The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam,
Thoothukudi District.
(Crime No.161 of 2022).

... Respondent/Complainant

C.Murugaraja ... Petitioner/De-facto Complainant
in Crl MP(MD).10692/2022 in Crl OP(MD).12963/2022

For Petitioner : M/s.Banuprasath.P, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)
For Intervenor : Mr.V.Selvakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 161 of 2022 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 offences punishable under Sections 363 @ 366(A), 354 (D) (1)(i) of IPC and Section 7 & 8 of POCSO Act, 2012, in Crime No.161 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter had love affair with the petitioner and on 09.06.2022 the petitioner herein kidnapped the defacto complainant's daughter by using his two wheeler. Hence, the complaint.

3.The learned for the petitioner would submit that the petitioner and the victim girl were loved each other. He had no intention to kidnap the victim girl. He would further submit that

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the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the victim girl is aged about 17 years at the time of occurrence and statement of the victim has been recorded under Section 164 of Cr.P.C. He would further submit that the investigation is not yet completed and the potency test is yet to be taken for the petitioner. Hence, he strongly opposed for grant of anticipatory bail.

5.The learned counsel for the Intervenor also vehemently opposed to grant anticipatory bail to the petitioner.

6.Considering the nature of the offence and on considering the age of the victim and also the fact that the potency test is not yet completed and the investigation is still pending, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

16/09/2022

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/09/2022

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 Inspector of Police,
Srivaikundam Police Station,
Srivaikundam, Thoothukudi District.

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

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-10124[I] dated 16/09/2022)

ORDER IN

CRL OP(MD) No.12963 of 2022

Date :16/09/2022

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