



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15133 of 2022

Sankar

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
Crime No.403/2021

...Respondent/ Complainant

For Petitioner : Mr.S.Vikram, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No. 403 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police in connection with the case in Crime No.403 of 2021, for the offence under Sections 11(1), 11(4), 12 of Protection of Child from Sexual Offences Act, 2012, has filed this application seeking anticipatory bail. This is the fifth application filed by the petitioner for the very same relief. The earlier applications filed by him were dismissed by this Court.

2.The case of the prosecution is that the petitioner and two others continue to tease the defacto complainant's daughter, who is studying 12th standard. On the complaint of the victim's mother, the case has been registered.

3.Learned Counsel for the petitioner submitted that the petitioner is working as a Painter and also belong to a political party. He hoisted the flag of that political party, for which, the community people have raised certain objections. They have



also abused and assaulted him on 26.09.2021, for which the petitioner has lodged a complaint before the Ilayangudi Police Station and the same was registered in Crime No.402 of 2021. Triggered over the same, as a counter complaint, the present case has been foisted as against the petitioner and two others.

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4.Learned Counsel for the petitioner further submitted that the allegation in the complaint is that on 25.09.2021, when the victim girl was proceeding to the School, the petitioner and two others have teased her. But, this case was registered in Crime No.403 of 2021 by the respondent police on 26.09.2021, immediately after the lodging and registering of his complaint in Crime No.402 of 2021. Though the case in Crime No.403 of 2021 was registered on 26.09.2021, the statement of the victim girl u/s. 161(3) Cr.P.C., was recorded only on 11.11.2021, after the expiry of the statutory period. This by itself would show that the present case has been foisted as a counter complaint.

5.Learned Additional Public Prosecutor appearing for the State submitted that the victim girl is studying 12th standard and due to her examination schedule, she hesitated to appear and therefore, her statement u/s.164(3) Cr.P.C., could not be recorded within a reasonable time. However, the victim girl appeared before the Court on 11.11.2021 and narrated the incident before the concerned Court. He further submitted that the petitioner alone is yet to be apprehended. The other two accused were already arrested and released on bail. For want of arrest of this petitioner, the final report could not be filed.

6.This Court considered the rival submissions and also perused the available materials.

7.The victim girl is aged about 17 years and also studying 12th standard. She is the only girl child from her village pursuing 12th standard. When she was on her way to her school, the petitioner and his friends have teased the victim girl. The relatives of the victim girl appears to have assaulted the petitioner and others for their conduct, for which, the petitioner has lodged a complaint as against those persons who have assaulted them. The said complaint was registered in Crime No.402 of 2021. Thereafter, the present complaint has been lodged on the same day.

8.According to the learned Additional Public Prosecutor, the victim girl was initially hesitant to even lodge the complaint. Even in her statement recorded u/s.164(3) Cr.P.C., she has stated that if she reveals this incident to her family, then her mother may not permit her to continue her education. She also apprehends danger to her life.

9.Perusal of the CD file and other materials would make out a case as against this petitioner. Therefore, this Court



is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition stands dismissed.

10. Though the case was registered on 26.09.2021, the respondent police does not appear to have taken any effective steps to apprehend the petitioner. This Court is not satisfied with the way in which the investigation is being conducted. Since the victim girl is apprehending danger at the hands of the petitioner, the respondent police shall ensure her safety and security and shall also ensure that she continues her studies without any disturbance. The Superintendent of Police, Sivagangai District, shall ensure that the investigation is being conducted in a proper manner.

sd/-

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/09/2022

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

TO

1 THE INSPECTOR OF POLICE
ELAYANGUDI ANGUID POLICE STATION,
SIVAGANGAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT.

ORDER

IN

CRL OP(MD) No.15133 of 2022

Date :23/09/2022

gk

MK/VR/SAR.II/23.09.2022/3P/4C