



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 05/07/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.15587 of 2021

Maharaja @ Govindaraj

... Petitioner/Accused No.1

Vs.

State rep. By
The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukkottai District.
(Crime No.15 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, 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.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(L), 5(j)(ii) r/w 6(i) of POCSO Act @ 5(N) and 6(i) of POCSO Act, in Crime No.15 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on information, the de-facto complainant went to the Government Hospital and found that the victim girl was admitted as inpatient for delivery. On enquiry, the victim has stated that she was having conduct with this petitioner and they fell in love. During the month of December 2020, when she was grassing the cattle in the field, she was sexually assaulted by this petitioner. That was also continuing for some-time. Whenever, that was brought to the notice of the parents, they warned her. Later, she became pregnant and delivered a child. She was aged about 17 years, at the time occurrence.



3. Seeking anticipatory bail, this petitioner moved this petition. During the course of pendency of this petition, this petitioner was directed to appear before the respondent police and cooperate with him to complete the process of investigation and also granted interim protection. On the basis of the direction given by this court, the petitioner appears to have appeared before the respondent police. During the course of investigation, 164(3) Cr.P.C statement of the victim was also recorded, wherein she has not only implicated this petitioner, but also her paternal uncle. Subsequently, he was also arrayed as an accused and she was subjected to medical examination and DNA profiling was also undertaken. The report shows that the biologicals father is the co-accused Palanisamy.

4. The learned counsel appearing for the petitioner by relying upon this document, would sustain his argument that this petitioner has been falsely implicated in this case. The victim girl was sexually assaulted by her paternal uncle. When this was brought to the notice to the villagers and parents, they have implicated this petitioner, who is aged about 20 years. In the village, 20 villagers are available. So absolutely, there is possibility for this petitioner had a sexual assault on the victim girl. But this contention cannot be taken at this stage.

5. When serious allegation of sexual assault has been made against this petitioner, of course, DNA profiling is matching with that of the above said Palanisamy, this petitioner cannot be exonerated. Considering the serious allegation made against the petitioner, he has to either surrender before the concerned court or the respondent police and seek regular bail.

6. With the above said direction, this criminal original petition deserves dismissal and accordingly, it is **dismissed**.

Sd/-
05/07/2022

/ TRUE COPY /

/07/2022

Sub-Assistant Registrar (C.S.II)
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,
KEERANUR,
PUDUKKOTTAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.15587 of 2021
Date :05/07/2022

SP/VR/SAR II/11/07/2022/3P/3C