



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 03/02/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.15469 of 2021

Karthick

... Petitioner/Accused Rank Not known

Vs.

The State rep. By
The Inspector of Police,
Manamadurai All Women Police Station,
Sivagangai District.
(Crime No.2 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Balaji, Advocate

For Respondent : Mr.SS.MADHAVAN
Government Advocate (Criminal side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4 apprehending arrest at the hands of the respondent police for the offence punishable under section 5(1), 5(j), (ii), 6 of POCSO Act, in Crime No.2 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is facing the charges under sections 5(1), 5(j) (ii) and 6 of POCSO Act.

3.Heard both sides.

4.The entire CD file has been called for and perused. It is very unfortunate that the victim girl was running 14 + was subject to frequent rape by more than one persons. Totally four accused persons, according to the prosecution, involved in heinous offence. But the fact remains that the victim girl has not disclosed anything in full during the course of not only in the investigation, but also



during the course of her statement under 164(3) Cr.P.C before the competent jurisdictional Magistrate.

5 .A reading of her statement shows that she has implicated her maternal uncle namely Muniyandi and later this petitioner. On perusal of the CD file shows that totally four persons are involved in this matter. Verification of paternity of the child was done by way of DNA profiling. All the DNA samples of the accused persons have been taken as well as the child were sent to the Forensic Central Laboratory. When the foetus was in two months old, on a petition filed by the father of the victim girl, who is the de-facto complainant herein, medical termination of pregnancy was ordered and that was also carried out successfully. When the foetus cells were tested and DNA profile was undertaken, during the course of DNA test, it was found that the father of the foetus is one Saran and the possibility of paternity of this petitioner has been ruled out. So also the paternity of Muniyandi and other accused persons. What actually happened is a matter for investigation. Since the DNA profile tallies only with the sample of the above said Saran, whether this petitioner is involved in the above said heinous is a matter for investigation.

6. Since major portion of the investigation is also over, on the basis of the DNA test, this court is inclined to **grant anticipatory bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, 2012, Sivagangai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge concerned and the petitioner shall appear before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

03/02/2022

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/ /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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
MANAMADURAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.15469 of 2021
Date :03/02/2022

PKP/SBN/SAR-3/09.02.2022/3P/4C