



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/09/2022

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PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.16509 of 2022

Pappa

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No. 9 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Velavadhas H,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

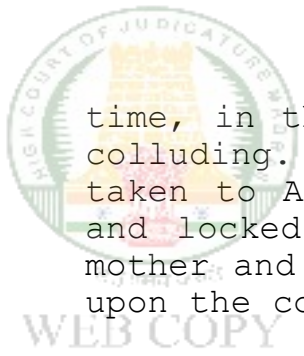
PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3 apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Section 342, 506(i) IPC and Sections 6,16,17 and 18 of POCSO
Act, in Crime No.9 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the victim girl. She along with her brother was in the custody
of her grand mother namely Veerammal. The mother deserted them and
father also married some other lady. After completing the 10th
Standard education, she was in the house. Later, she joined a shop.
At one day, she was taken to the first accused house by A2. At that



time, in that house, A1 committed sexual assault, for which A1 is colluding. On 20.02.2022, again A1 invited her to A3 house. She was taken to A3 house and A3 who is the petitioner pushed her to sofa and locked the door. A2 tried to sexually assault her, her grandmother and brother came there. She was taken to the hospital. Based upon the complaint, the case was registered.

3. Seeking anticipatory bail, this petition has been filed by the petitioner, who is arrayed as A3 on the ground that she is aged about 67 years and absolutely, there was some sort of dispute between the family and this petition is noway connected in the alleged occurrence took place between the defacto complainant and A1 and A2.

4. Earlier application that was filed by this petitioner before this Court came to be dismissed on 18.07.2022, considering the gravity of the allegation. This is second anticipatory bail application. This petition has been filed on the ground that the victim girl herself has given a letter to the Investigating Officer that the complaint has been given by her at the instance and instigation of her relatives over the property issue. Doubting the genuineness of the letter, the victim girl was called to the Court along with her mother. Both of them are present before this Court and stated that at the instance of her father only the above said complaint has been lodged. No such occurrence took place as mentioned in the complaint.

5. The investigating Officer is also present before this Court and has stated that the occurrence that was spoken by the victim girl in the complaint truly happened, the victim girl because of immaturity of the age has given contradictory statements. She is also submitted that the victim girl was in contact with the first accused, which was not liked by her father. So from the information that has been furnished to the Court it is seen that a thorough investigation is required as to what happened actually in the above said issue, since the victim girl has given contradictory versions. In view of the above said development, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6. Accordingly, this Criminal Original Petition is **allowed** and petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Bodinayakanur, Theni District, on condition that the petitioner shall execute 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 Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders and co-operate with them to complete the investigation process. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



7. 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.

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sd/-
22/09/2022

/ TRUE COPY /

/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 JUDICIAL MAGISTRATE,
BODINAYAKKANUR, THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16509 of 2022
Date :22/09/2022

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USK/VR/SAR-I/27.09.2022/3P/5C