



WEB COPY

CRL OP(MD). N



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

Date : 27/10/2022

PRESENT

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

CRL OP(MD). No.19065 of 2022

Nathiya

... Petitioner/Accused No.3

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(In Crime No.15/2022).

... Respondent/Complainant

For Petitioner : M/s.Arun Srivastava M,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.15/2022 on the file of the
Respondent Police.

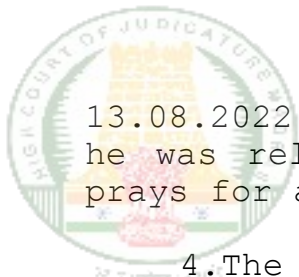
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent police for the offence punishable under Sections 376 AB,
324, 506(i) of IPC, Section 75 of the Juvenile Justice (Care and
Protection of Children) Act, 2015 and Sections 5(m), 5(n), 5(l), 5
(i), 5(h), 6 and 16 r/w 17 of POCSO Act, 2012 in Crime No.15 of 2022
on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the
mother of A1 and A1 had sexually harassed the victim girl, who is
aged about five years, with the help of the petitioner along with
A2. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and she has been falsely implicated in this
case. The learned counsel for the respondent would further submit that A2 was already arrested on

<https://www.mca.gov.in/Hds>



13.08.2022 and still in judicial custody and A1 is the juvenile and he was released on bail by the Juvenile Justice Board. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that in the statement recorded under Section 164 Cr.P.C., the victim girl has implicated the petitioner along with A1 and A2 in this case. He would further submit that eight witnesses have already been examined and the investigation is not yet completed and awaiting for medical report. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the seriousness and gravity of the offence and also the facts that eight witnesses have already been examined and the investigation is pending as stated by the learned Government Advocate (Crl. side) and also taking note of the statement under Section 164 of Cr.P.C. given by the victim girl implicating the petitioner in this case, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

27/10/2022

/ TRUE COPY /

/11/2022

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

TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.ARUN SRIVASTAVA M Advocate SR.No.12025

ORDER

IN

CRL OP(MD) No.19065 of 2022

Date :27/10/2022

SS/VR/SAR I/07/11/2022/ 2P 4C