



WEB COPY

CRL OP(MD). N



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

Date : 23/11/2022

PRESENT

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

CRL OP(MD). No.20550 of 2022

1. Pappathi,
2. Muthu, ... Petitioners/Accused No.2 & 3

Vs

1.The State Rep. by,
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.642/2022).

2.The State Rep. by,
The Inspector of Police,
All Women Police Station,
Sanarpatti, Dindigul District.
[R2 impleaded vide order dated 23.11.2022
in Crl.M.P.(MD)No.14456 of 2022]

... Respondent/Complainant

For Petitioner : M/s.Ramanathan A N,
Advocate.

For Respondents : 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.642/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offence under Sections 294(b), 323 and 506(i) IPC r/w Sections 5(1), 5(j)(ii) and 6 of Protection of Child and Women from Sexual Offences Act, 2012.

<https://www.mca21.com>



2.The case of the prosecution is that the de-facto complainant and the petitioners' son/A1 loved each other and A1 had physical intercourse with her and as a consequence, she became pregnant. On 21.10.2022, when the de-facto complainant went to the first accused's house and told about her pregnancy, the petitioners scolded the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are parents of A1 and they are innocents and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that there are three accused involved in this case and the petitioners are arrayed as A2 and A3, who are the parents of A1. A1 and the de-facto complainant loved each other and A1 had physical relationship with her and as a consequence, she became pregnant. When the de-facto complainant went to the first accused's house and told about her pregnancy, the petitioners scolded the de-facto complainant. A1 was already arrested and still in judicial custody. The statement of the de-facto complainant has been recorded under Section 164 of Cr.P.C. and the allegation against the petitioners are very serious. The investigation is in preliminary stage. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the gravity and nature of the offence and also taking note of the statement given by the de-facto complainant under Section 164 of Cr.P.C and the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



TO

- 1.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
- 2.The Inspector of Police,
All Women Police Station,
Sanarpatti, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.20550 of 2022
Date : 23/11/2022

TR/SSS/SAR-I(07.12.2022) 3P 4C