



Crl.MP.No.3750 of 2023

Crl.MP.No.3750 of 2023 in
Crl.OP.No.5091 of 2023

T.V.THAMILSELVI, J.

This miscellaneous petition has been filed to cancel the anticipatory bail granted to the respondent / accused by this Court in Crl.OP.No.5091 of 2023 dated 02.03.2023.

2. The learned Government Advocate(crl.side) appearing for the petitioner / police submits that Section 164 Cr.P.C. Statement was recorded from the victim girl as well as other eight witnesses, which *prima facie* shows that he misbehaved with the victim girl who is one of the inmates of the home run by the accused. Furthermore, at the time of obtaining order from this Court, the respondent had already filed petition seeking anticipatory bail before the Special Court (POCSO), Nagapattinam and the same was taken on file in Crl.MP.No.232 of 2023. Suppressing the filing of the said petition, the respondent obtained anticipatory bail from this Court, which amounts to abusing of process of law. Hence, he prayed to cancel the anticipatory bail.



Crl.MP.No.3750 of 2023

3. The learned counsel appearing for the respondent submits that the allegation levelled against him is politically motivated and he was running a home nearly about 18 years. Due to some ill motive, some of the local persons instigated the inmates of the home and gave false complaint. Furthermore, he was put into life threat. Hence, he filed petition before the District Court without any malafide intention and the respondent is ready to abide by any condition imposed by this Court. Hence, she prayed to dismiss the petition.

4. On perusal of the records, reveals that the respondent filed anticipatory bail petition before this Court with an affidavit stating that he has not filed any similar petition before the Sessions Court. As rightly pointed out by the learned Government Advocate, before passing the order, on 01.03.2023, he filed petition for anticipatory bail before the Special Court(POCSO), Nagapattinam. When the matter was taken up by this Court on 02.03.2023, the counsel for the respondent / accused did not represent before this Court about the pendency of the petition before the Sessions Court. As per the affidavit sworn by the respondent / accused, not filed any



Crl.MP.No.3750 of 2023

similar petition before the Sessions Court. However, contrary to that, he filed petition before the Special Court(POCSO), Nagapattinam. It clearly reveals that he abused the process of law. Further, Section 164 Cr.P.C. Statement was also recorded, wherein the victim stated that she was sexually abused, which needs detailed investigation. Though the inmates of the home were transferred to some other place, but the offence alleged against the respondent needs detailed investigation. On seeing the conduct of the respondent / accused suppressing the fact of filing a petition before the Sessions Court and as such, he obtained order from this Court, which is a clear case of abusing of process of law, this Court is inclined to cancel the anticipatory bail granted to the respondent / accused.

5. Accordingly, this miscellaneous petition is allowed and the anticipatory bail granted to the respondent / accused by this Court in Crl.OP.No.5091 of 2023 dated 02.03.2023 is hereby cancelled.

14.03.2023

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Crl.MP.No.3750 of 2023

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