



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/03/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4779 of 2023

S.Manoharan

... Petitioner/Accused 1

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Kanyakumari.
(Crime No.04/2023).

... Respondent/Complainant

Gnanaraj

... Intervening Petitioner/
Defacto Complainant/Defacto COmplainant
In Cr1.MP(MD).4286/2023 in
Cr1.OP(MD).4779/2023

For Petitioner : Mr.H.ARUMUGAM,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

For Intervenor : Mr.B.MICHAEL SEBASTIAN
Advocate

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

PRAYER :- For Anticipatory Bail in Cr No.04/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 9(m), 9(1),10,17 of POCSO Act,2012 and 506(i) of IPC in Crime No. 4 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein physically abused the daughter of the defacto complainant, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.



4. The learned counsel for the petitioner would submit that there are totally two accused in this case in which the petitioner is arrayed as A1. A2 is none other than the mother of the victim girl who is aged about 11 years. A1 and A2 were classmates. A2 suspected the fidelity and lodged complaint as against her husband for cruelty. The complaint is totally a false complaint as against the petitioner. Perusal of the statement recorded under section 164 of Cr.P.C discloses the fact that victim was taken along with A2 by A1 to Courtallam there the petitioner herein had touched the breast of the victim girl. Further now A2 was arrested and remanded to judicial custody. Therefore there are specific overt act as against the petitioner and custodial interrogation of the petitioners is very much required in this case, hence this Court is not inclined to grant anticipatory bail to the petitioner.

5. Hence the petition stands dismissed.

sd/-

14/03/2023

/ TRUE COPY /

/03/2023

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

AAV

TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI.

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

+1. CC to H.ARUMUGAM Advocate SR.No.4209

ORDER

IN

CRL OP(MD) No.4779 of 2023

Date :14/03/2023

SA/SBN/SAR.3/16.03.2023/2P/4C