



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

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7257 of 2023

Muthumari

... Petitioner /
Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.50/2023).

... Respondent / Complainant

For Petitioner : M/s.Sulthan Basha.J, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.50/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 366,376 (3) of IPC and sections 5(1),5(g) and 6 of POCSO Act @ 450,506(i), 366, 376(3) of IPC and section 5(j)(ii),17, 5(g),5(1) and 6 of POCSO Act in crime No.50 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein along with other accused had committed aggravated penetrative sexual assault on the minor victim girl, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report and also the statement of the victim recorded under section 164 of Cr.P.C.



4. On perusal of the statement recorded under sect 54 Cr.P.C it is revealed that the victim girl was taken to Annanji Vilakku in an auto and was taken to the house of Muthukumari's sister house namely the house of the petitioner herein where she was administered liquor and taken to a remote place ,where A1 to A3 committed penetrative sexual assault on the minor victim. She was also unconscious due to the inebriated condition. Thereafter her father came there and rescued her. Though the victim fell in love with the fifth accused and had physical relationship on the date of occurrence she was taken to remote place, administered liquor and the accused persons committed penetrative sexual assault on the minor victim. The petitioner herein has only given a sedative to the victim and therefore she has committed a very serious and heinous offence as against the minor victim girl, hence this Court is not inclined to grant bail to the petitioner.

5. In the result, the petition stands dismissed.

sd/-
20/04/2023

/ TRUE COPY /

/04/2023

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

AAV

To

1.The Inspector of Police,
Allinagaram Police Station,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7257 of 2023
Date :20/04/2023

ED/MMS/SAR-1 (25/04/2023) 2P 3C