



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9057 of 2023

Valantine Joseph

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Fort Police Station,
Tiruchirappalli City,
Tiruchirappalli District
Cr.No.8/2023

... Respondent/Complainant

For Petitioner : Mr.Anto Prince.G,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 8 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 of Indian Penal code and Sections 5(1), j(ii) r/w 6 of POCSO Act, 2012 in Crime No.8 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that since the victim girl had stomach pain and started to vomit suddenly, the defacto complainant took her to Hospital, where, they were were informed that the victim girl is pregnant. On enquiry, the victim girl informed the defacto complainant that on 17.12.2022, the petitioner took the victim girl to his house stating that he will share notes for her studies and forced her to have sexual intercourse with him. The petitioner assured the victim girl that he would marry her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is also a minor and that there was a love affair between the petitioner and the victim girl.



4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the victim girl has now undergone abortion and produced the statement of victim under Section 164 of the Code of Criminal Procedure.

5. A perusal of the statement of victim under Section 164 of the Code of Criminal Procedure shows that the petitioner had sexual intercourse with the victim girl forcibly. Further, the victim girl, aged only 15 years got pregnant and now she had also undergone abortion. Considering the seriousness and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed. However, the petitioner is advised to go before the Juvenile Justice Board for appropriate orders.

sd/-

18/05/2023

/ TRUE COPY /

24/05/2023

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

MBI

TO

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN FORT POLICE STATION,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANTO PRINCE.G Advocate SR.No.7540 (I) Dt.18/05/2023

ORDER

IN

CRL OP(MD) No.9057 of 2023

Date :18/05/2023

SA/BUC/SAR. /24.05.2023/2P/4C