



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.23013 of 2022

WEB COPY

Balamurugan

... Petitioner/Sole Accused

-VS-

State represented by
The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.
(in Cr.No.17 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.17 of 2022.

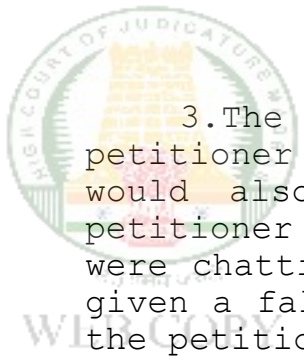
For Petitioner : Mr.C.Susi Kumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 9(1) (m) of Protection of Child From Sexual Offences Act, 2012 in Crime No.17 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Marrymathalem is that her daughter is studying 9th standard at Government Higher Secondary School and she used to go to Tuition every day. The accused, who is a married man, working abroad had come to the native place and on 04.08.2022, while her minor daughter was going alone near Amman Temple, he came near her and put his hand on her shoulder and kissed her daughter in her right cheek and her daughter tapped his hand. Even after 2 days, he had continued to stalk her daughter and had kissed her. Since her daughter refused to go to tuition, the defacto complainant enquired her and she had disclosed that the accused harassed her sexually. Hence, the complaint.



3.The learned Counsel for the petitioner would submit the petitioner is an innocent and a false complaint has been given. He would also submit that there are materials to show that the petitioner was having relationship with the victim girl and they were chatting through mobile phone and the victim girl's mother has given a false complaint. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that this is a second anticipatory bail application. The petitioner is a married man living with children and he had called the victim girl who is aged about 12 years through phone and the petitioner had developed relationship with the victim girl and had continued to hug her and sexually assaulted her and thereby the victim girl was psychologically affected. He would strongly object for grant of anticipatory bail to the petitioner.

5. Considering the gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

12/01/2023

/ TRUE COPY /

/01/2023

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

CM

TO

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

ORDER

IN

CRL OP(MD) No.23013 of 2022
Date :12/01/2023

SA/BUC/SAR.3/31.01.2023/2P/3C