



CRL OP(MD). No.22496 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2023

PRESENT

The Hon'ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.22496 of 2023

Sekar

... Petitioner/ Accused No.8

Vs

**The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
Crime No.35/2023..**

... Respondent/ Complainant

**For Petitioner : M/s.Balasubramanian.S,
Advocate.**

**For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Anticipatory Bail in Crime No.35/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A8, who apprehends arrest at the hands of the respondent

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police for the offences punishable under Section 344 and 506(ii) IPC r/w Section 4(2), 5(1), 5(h) and 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.35 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein and other accused have penetrative sexual assault on the victim girl and also threatened her with knife point. Hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner and other accused had penetrative sexual assault with victim and also by taking photographs threatened her with dire consequences. He would further submit that the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. It is the second petition for anticipatory bail. Earlier petition was dismissed by this Court. Now, there is no change of circumstances. Therefore, considering the facts and circumstances of the case and also considering the serious nature of allegations made against the petitioner and that the petitioner has also participated in the said occurrence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI CITY.

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

ORDER
IN
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Date :13/12/2023

PKP/DD/SAR- /22.12.2023/ 4P/ 3C

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