



CRL OP(MD) No.446 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.446 of 2024

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.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 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 apprehend arrest at the hands of the respondent police
for the alleged offence under Sections 344 and 506(ii) of 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
<https://www.mhc.tn.gov.in/judis>



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2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the paternal grandmother of the victim girl, who is aged about 13 years and studying 6th standard. After the demise of defacto complainant's son namely, Manikandan, the victim girl was under the care and custody of the defacto complainant. Thereafter, the victim girl was secured by her mother. The mother of the victim girl allowed several persons to have sexual intercourse with the victim girl. When the same was refused by the victim girl, the mother of the victim girl and the other accused persons attacked the victim girl with hands & iron rod and harmed her with Cigarette. Without tolerating the same, the victim girl escaped from the place of occurrence. When there was nobody in the house, she went to the house of the defacto complainant. When the defacto complainant enquired about the injuries found on the body of the victim girl, she disclosed the above said occurrence. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that this is the third anticipatory bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.22496 of 2023 was dismissed by this Court on 13.12.2023. He would further submit that the petitioner is a cab driver. At the time

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occurrence, he was not available in the scene of occurrence. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that the petitioner herein had committed penetrative sexual assault upon the victim girl and also threatened her with dire consequences by showing the photographs taken at the time of occurrence. Except the petitioner, all other accused were arrested and remanded to judicial custody. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel on either side and perused the material records of the case.

6.This Court perused the statement of the victim girl under Section 164 Cr.P.C., The petitioner and the other accused persons forcibly had sexual intercourse with the victim girl. This is the third anticipatory bail petition. Earlier petition was dismissed by this Court.

7.Considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

8.The Inspector of Police, All Women Police Station, Thallakulam, Madurai

<https://www.mhc.tn.gov.in/judis>



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City, is directed to send periodical report to the District Child Protection Officer for taking appropriate action and for providing appropriate protection to the victim girl.

sd/-

10/01/2024

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/01/2024

Sub-Assistant Registrar

(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

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

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

ORDER

IN

CRL OP(MD) No.446 of 2024

Date :10/01/2024

PKP/JGB/SAR /24.01.2024/ 4P/3C

Madurai Bench of Madras High Court is issuing certified
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