



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

WEB COPY

PRESENT

The Hon`ble Mr. Justice A.A.NAKKIRAN

CRL OP (MD). No.19201 of 2022

Muthu Eswaran

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.23/2022).

... Respondent/Complainant

For Petitioner : M/s. Vadivel.A.,
Advocate.

For Respondent : Mr.M. Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.23/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under sections 5(1), n, J(ii) r/w. 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No. 23 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that both the petitioner and the victim are relatives and they loved each other and that A1 had sexual intercourse with her and subsequently, she delivered a baby. Hence, the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and his name have been implicated in this case and he seeks anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the victim is aged about 15 years and the petitioner herein had sexual intercourse with the victim and subsequently, a child was born to the victim. He would further submit that investigation of the case is pending and the 164 Statement is not yet recorded and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the submission made by the learned Government Advocate (Crl. Side) appearing for the respondent and also considering the fact that the investigation of the case is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
31/10/2022

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/11/2022

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

trp

TO

1. The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.19201 of 2022
Date :31/10/2022

RK/GB/SAR-3 (11/11/2022) 2P/3C