



CRL OP(MD). No.11141 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11141 of 2023

Sivakumar

... Petitioner / Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Vallam, Thanjavur District.
Cr.No.14 of 2023.

... Respondent/Complainant

For Petitioner	:	M/s.A.Arun Prasad, Advocate.
For Respondent	:	Mr.B.Nambiselvam, Additional Public Prosecutor
For Intervener	:	Mr.G.Thalaimutharasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 417, 420, 376, 294(b), 354, 509, 493 and 506(i) of

IPC in Crime No.14 of 2023, on the file of the respondent police, seeks anticipatory

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



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2. The case of the prosecution as per the defacto complainant's version is that when she was studying MCA in Sasthra University, she was in love affair with the accused. Later their family also become friends. A promise was also made by the parents of the accused for performing the marriage. On 05.11.2022 at about 11 a.m., when she was alone in the house, she was subjected to sexual intercourse by the accused and that was also continued for some time, whenever occasion arose. After the marriage of the brothers, the accused started to avoid her. When that was enquired, no proper reply was given. He also requested to marry her. The cellphone of the accused was also later switched off. On the above said allegation, she filed the present complaint.

3. Seeking anticipatory bail this petition has been filed. The matter was heard for more than one occasion. Even the defacto complainant's father and the defacto complainant was also enquired on various dates.

4. Learned counsel for the petitioner would submit that eventhough there is an affair between the petitioner and the defacto complainant which is consensus in nature, since they are majors. Absolutely there was no physical relationship between them. A medical report has been called for and does not indicate any trace for the physical contact.



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5. However, considering the conduct of the petitioner, this Court is not inclined to grant relief to the petitioner. It was openly told by the defacto complainant and the father of the defacto complainant that this petitioner is in affair with some other girl now. Citing the communal issue, now he is making refusal. For about 11 years, both were in affair. The defacto complainant also now crossed the normal age of marriage. On hearing her voice in the open Court, it appears that in unconscience manner, the petitioner has conducted himself. Now he wanted to make advantage of the medical report, stating that it is consensual in nature, since they are majors. This sort of attitude, conduct and behaviour, disentitle the petitioner from claiming the discretionary relief. So the petitioner deserves no consideration at all.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/09/2023

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/10/2023

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

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To

1 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VALLAM, THANJAVUR DISTRICT.



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

ORDER
IN

CRL OP(MD) No.11141 of 2023

Date :20/09/2023

RS/VRS/SAR-(09.10.2023) 4P 3C
Madurai Bench of Madras High Court is issuing
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