



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

Wednesday, the Fourteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10214 of 2015

P.ASHOK KUMAR ... PETITIONER/ACCUSED(SINGLE)

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY, (CRIME NO. 25 OF 2015)
... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate
For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

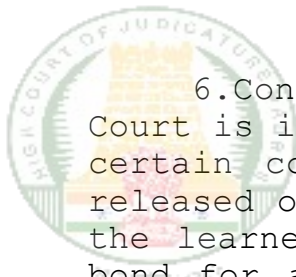
The petitioner, who is arrayed as an accused, apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 417 and 376 IPC in Crime No.25 of 2015 on the file of the respondent Police and hence, seeks anticipatory bail.

2.According to the de facto complainant that the accused by giving false promise of marrying her, had physical relationship with her and thereafter, he refused to marry the de facto complainant.

3.The learned counsel for the petitioner submitted that the de facto complainant is a 23 years girl and she was already married to one Rajasekaran. It is further stated that the de facto complainant has borrowed money from the petitioner and in order to escape from repaying the amount, a false complaint has been given.

4.It is further contended that even according to the prosecution, the accused had physical relationship with the de facto complainant with her consent and therefore, the offence of 376 IPC is not made out in this case.

5.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the de facto complainant is a spinster and she was rapped by the accused by giving false promise on several occasions.



6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Madurai, and on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Court within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
14/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE,MADURAI
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TALLAKULAM, MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.ANAND Advocate SR.No.61129

ORDER
IN
CRL OP(MD) No.10214 of 2015
Date :14/10/2015

AA/AAL-MPA/SAR-II/27.10.2015/2p-6c