



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

Tuesday, the Twenty Ninth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

WEB COPY

CRL OP(MD) No.16207 of 2015

M.RAJA

... PETITIONER/SOLE ACCUSED

KAMALA

...INTERVENER

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
SIVAGANGAI DISTRICT
(CRIME NO 8/15)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.CHAMUNDI BOSE FOR M/S.KARA ASSOCIATES Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

For Intervener : M/S.K.P.RAMESH,ADVOCATE

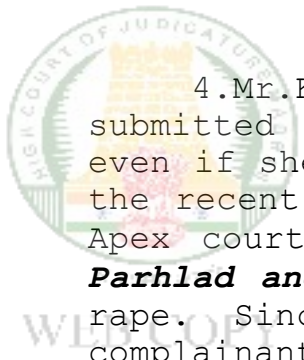
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 5(b)(1) and 6 of Protection of Children Sexual Offences Act, 2012, in Crime No.8 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant that she was studying 10th standard at Ilayangudi Pudur Higher Secondary School and the accused, who is working in the Indian Army, had sexual intercourse with the de-facto complainant by giving false promise of marrying her and on 06.12.2014, she was taken to the State of Punjab & Haryana, where also he had sexual intercourse with her and thereafter, she was brought to her native place on 26.03.2015 and now, the accused refused to marry the de-facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that this is a case of love affair and the alleged victim on her own volition came along with the petitioner to the State of Punjab, where she was residing in the house of one Chelladurai. It is further submitted that the alleged victim is still minor and the petitioner is ready to marry her, after she attains majority.



4.Mr.K.P.Ramesh, learned counsel appearing for the intervenor submitted that admittedly, the victim is aged about 15 years and even if she had given consent for having sexual intercourse, as per the recent amendment to IPC and as per the judgment of the Hon'ble Apex court reported in **(2015)3 MLJ (Crl) 455(SC) in the case of Parhlad and another vs. State of Haryana**, the act would amount to rape. Since, the accused has committed rape on the de-facto complainant, he is not entitled for anticipatory bail. It is further submitted that the victim was subjected to medical test and the medical report also supported the case of the prosecution.

5.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

6.Considering the nature of allegations made against the petitioner, this court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

29/09/2015

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

TO

1. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
SIVAGANGAI DISTRICT

+1. CC to M/S.K.P.RAMESH,ADVOCATE SR NO.57044

ORDER

IN

CRL OP(MD) No.16207 of 2015

Date :29/09/2015

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