



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

Monday, the Thirty First day of August Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.16312 of 2015

K. SENTHIL

... PETITIONER/SOLE ACCUSED

Vs

STATE BY THE
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOUTH STATION, TUTICORIN,
(CRIME NO. 38 OF 2015)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.J.VINCENT KUMAR, ADVOCATE
FOR RESPONDENT : MRS.S.PRABHA, GOVERNMENT ADVOCATE (CRL.SIDE)
FOR INTERVENOR : MR.B.ROOBAN

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

ORDER : The Court Made the following order :-

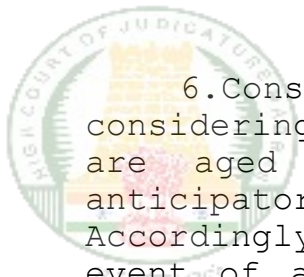
The petitioner, who is the sole accused, was apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 376 of IPC, in Crime No.38 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the defacto complainant, the accused by giving false promise to marry her had sexual relationship with her, but subsequently, refused to marry her.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are classmates, when they were studying Under Graduation at Tuticorin. It is further submitted that the defacto complainant has lodged a similar complaint against one Sundar on 03.12.2014 and subsequently, it was enquired and closed.

4.The learned counsel for the intervenor submitted that the petitioner and the defacto complainant were living together at Chennai and the petitioner had rapped her by giving false promise to marry her. It is further submitted that there are number of evidence, to show that the petitioner was living with defacto complainant, in the form of telephonic conversation and photographs.

5.The learned Government Advocate (Crl.Side) submitted that both the petitioner and the defacto complainant are aged about 23 years and as per the complaint, the defacto complainant was living with accused for some time and he had physical relationship with her by giving false promise.



6. Considering the facts and circumstances of the case and also considering the fact that the petitioner and the defacto complainant are aged about 23 years, 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.I, Tuticorin 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 a.m., 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 Magistrate 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/-

31/08/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TUTICORIN
2. THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOUTH STATION, TUTICORIN,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.VINCENT KUMAR Advocate SR.No. 50152

+1. CC to M/S.B.ROOBAN, Advocate SR NO. 50559

ORDER

IN

CRL OP(MD) No.16312 of 2015

Date :31/08/2015

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<https://hcservices.ecourts.gov.in/hcservices/> 08/09/2015

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