



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

Tuesday, the First day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21293 of 2015

KANNAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT.

(CRIME NO.19/2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.ROBINSON Advocate

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

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

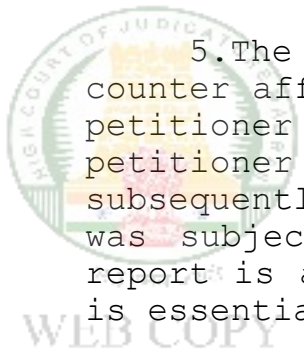
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused , in Crime No.19 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 376 and 506(i) I.P.C. and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has given a complaint stating that on 16.08.2015, the petitioner, on giving a false promise, had sexual intercourse with her and subsequently refused to marry her. Due to that the defacto complainant conceived and she is in three months pregnancy.

3. The case of the petitioner is that the petitioner is innocent and his name has been falsely implicated in this case. Even according to the defacto complainant, the petitioner promised to marry the defacto complainant on 16.08.2015 and had sexual intercourse. However, on the date of complaint ie., on 17.10.2015, the defacto complainant was three months pregnancy and this is contradictory to her statement.

4. The learned Counsel for the petitioner submitted that a false complaint is given against the petitioner with oblique motive and the defacto complainant is a stranger to the petitioner and only to harass the petitioner, a false complaint has been given.



5.The learned Government Advocate (Crl.Side) has filed a counter affidavit and stated that on giving a false promise that the petitioner will marry the defacto complainant, on 16.08.2015 the petitioner had sexual intercourse with the defacto complainant and subsequently, he refused to marry her and the defacto complainant was subjected to medical examination and the medical examination report is awaited and the custodial interrogation of the petitioner is essential.

6.Considering the facts and circumstances of the case and considering the fact that it is not a fit case for custodial interrogation, 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, Nanguneri, Tirunelveli District and on his 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/-
01/12/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4.THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION
NANGUNERI, TIRUNELVELI DISTRICT.
+One cc to M/S.A.ROBINSON, Advocate, SR.No.68457
RL/6C/AAL/MPA/SARI/4/12/2015

ORDER
IN
CRL OP(MD) No.21293 of 2015
Date :01/12/2015