

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.29731 of 2017

S.DHANAJAYAN, [PETITIONER / ACCUSED]

Vs

STATE REP BY, [RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTHANI, THIRUVALLUR DISTRICT
CR.NO. 9 OF 2017.

For Petitioner : M/S.R.THAMARAISELVAN Advocate

For Respondent : MR.R.SEKAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioner is arrayed as an accused in Crime No.9 of 2017 on the file of the respondent police. He apprehends arrest at the hands of the respondent police for the alleged offences Under Section 313, 498(A), 506 (i) IPC and he has filed this petition seeking grant of anticipatory bail.

3. The case of the prosecution is that the petitioner and the defacto complainant had loved each other and got married. The petitioner and the in-laws of the defacto complainant compelled her to abort the foetus.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case. He has not committed any offence as alleged in the complaint and he is no way connected with the offences and pleads for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate submitted that on the complaint given by the defacto complainant, FIR in Crime No.9 of 2017 has been registered on 15.12.2017 and the investigation is going on.

6. Considering the submissions made by either side, it appears that offence under Section 313, 498(A), 506 (i) IPC has been

registered against this petitioner. The alleged FIR was registered based on the direction given by the learned Magistrate I, Tiruvallur. Now, on going through the facts of the case during the time of alleged offence the petitioner herein married the defacto complainant and thereafter the same was registered according to law. Thereafter in the matrimonial house the petitioner compelled the defacto complainant to abort the foetus. The petitioner being a Doctor committed the above type of offence which is nothing but atrocities. Even though the petitioner filed a divorce petition in HMOP No.41 of 2017, before the Subordinate Court, Tiruttani, praying to dissolve the marriage, that cannot be a only ground for allowing this application for anticipatory bail. The circumstances in and around happening in the matrimonial house needs some elaborate enquiry for which custodial interrogation is necessary. So this Court, for the reasons stated above, is not inclined to order this application.

7. Accordingly, this criminal original petition is dismissed.

-sd/-

28/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVALLUR

2 THE SUBORDINATE COURT
TIRUTTANI

3 STATE REP BY,
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTHANI, THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary charges

CRL OP.29731/2017

Date :28/12/2017

RD 04/01/2018