



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

Friday, the Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3355 of 2018

ARUNKUMAR

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT,
IN CR.NO. 5/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.PITCHAI MUTHU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 19.02.2018 for the offences punishable under Sections 294(b), 417, 420, 376 and 506(i) of IPC., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.5 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are relatives and they developed love affair. Subsequently, the petitioner herein made false promise to marry her and had physical relationship with her from the year 2012, due to which she became pregnant. Thereafter, at the instigation of the petitioner, the defacto complainant aborted her pregnancy two times. Now, the petitioner refused to marry her, when the same was questioned by her, the petitioner and other accused abused her by using filthy language and threatened her with dire consequences. Hence, the present case has been registered for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence, he pleads for bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is going on.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that from the year of 2014 onwards, the petitioner herein after making false promise to the defacto complainant and made physical relationship then and there. In the meanwhile, at the request of this petitioner, the defacto complainant aborted the child two times. Now, after a period of four years, he had refused to marry her, further, abused her with dire consequences. Eventhough, the petitioner is working in the Military, the offence committed by the petitioner is not a disciplined one. Thereby, this Court came to the conclusion that if these type of petitioners are released on bail, there may be a chance for tampering the witness and hampering the investigation. Hence, considering the above said facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
02/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

PJL
GJM/CSL/SAR-3-9.3.18-2P-4C

ORDER
IN
CRL OP(MD) No.3355 of 2018
Date :02/03/2018