



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.539 of 2018

NAGARAJ

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT ,
IN CRIME NO 13/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MURUGAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

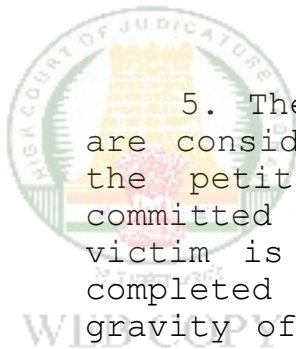
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offences under Sections 376, 417 and 506 (i) I.P.C., in Crime No.13 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that since the defacto complainant's husband is working in abroad, she lives with her mother-in-law. The petitioner is her nephew, when she was alone, he used to send obscene messages through phone and harassed her. Later, during the time, when her mother-in-law is absent in the house, the petitioner forcibly had sexual intercourse with her, due to which she gave birth to a male baby. Thereafter, the defacto complainant lodged a complaint against the petitioner. Hence, the 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 and he did not commit any offence as alleged by the prosecution. He further added that the petitioner has been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioner. He further stated that the earlier anticipatory bail petitioner was dismissed by this Court and this is the second petition.

4. The learned Government Advocate (Criminal Side) on [https://hcservices.courts.gov.in/hcservices/](https://hcservices.courts.gov.in/hcservices/services/record.do?in=57) would submit that due to the act of the petitioner, the de-facto complainant gave birth to a male child. He further submit that investigation is still pending.



5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner herein being the relative of the victim girl committed the offence by using the situation that the husband of the victim is in abroad. As of now, the medical examination is not completed to the petitioner herein. Accordingly, considering the gravity of offence committed by the petitioner and also due to the reason that the investigation is in the initial stage, custodial interrogation is necessary to complete the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/01/2018

/ 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,
RAMANATHAPURAM DISTRICT ,
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

PJL
JAM/06/02/2018/PM-PN/ SAR 1 / 2P-3C

ORDER
IN
CRL OP(MD) No.539 of 2018
Date :23/01/2018