



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.13539 of 2017

RAMGANESH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SAMAYANALLUR,
MADURAI DISTRICT.
CRIME NO.40 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.RADHAKRISHNAN Advocate

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

For Intervenor : MR.R.VIJAYAGOPAL Advocate

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

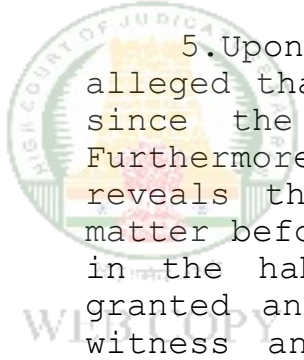
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417 and 376 I.P.C., in Crime No.40 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that by giving false promise to marry the defacto complainant, the petitioner had sexual intercourse with her. Due to the same, the defacto complainant had become pregnant. When the defacto complainant asked the petitioner to marry her, he refused to do so. Hence, the defaco complainant lodged a present complaint.

3.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, he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side), appearing for the respondent police submitted that as of now the process of DNA test cannot be initiated since, the defacto complainant is in the stage of pregnancy. According to him investigation is still pending.



5. Upon considering the arguments advanced by either side, it is alleged that as of now the process of DNA test cannot be initiated since the defacto complainant is in the stage of pregnancy. Furthermore, on go through the submissions made by either side, it reveals that the petitioner herein made a demand to settle the matter before obtaining DNA results, it shows that the petitioner is in the habit of adamant. Hence, if this type of petitioner is granted anticipatory bail, there may be chance for tampering the witness and hamper the investigation. Accordingly, the Criminal Original Petition is dismissed.

sd/-
01/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SAMAYANALLUR,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13539 of 2017
Date :01/02/2018

MKV-CM-VR-SAR 4/12.2.2018/2P-5C