



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

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THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.A.(MD) No.494 of 2018

P.Rajalakshmi ...Appellant/Defacto Complainant
Vs.

1.State though
The Inspector of Police,
AWPS Thirumangalam Police Station,
Madurai District.
(Cr.No.29/18) ...Respondent/Respondent

2.Ajithkumar ...Respondent/Accused

PRAYER:Criminal Appeal - filed under Section 14 A (2) of SC/ST (Prevention of Atrocities) Act, 1989, to cancel the order of bail granted by the IIIrd Additional District Judge (PCR), Madurai in Cr.M.P.No.1025 of 2018 dated 06.10.2018 in Cr.No.29 of 2018 on the file of 1st respondent police.

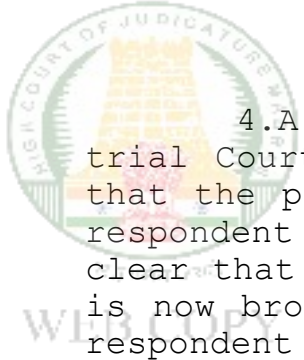
For Appellant : Mr.V.Janaki
For R1 : Mr.A.Robinson
Government Advocate (Crl.Side)

ORDER

This appeal has been filed to cancel the bail granted to the second respondent, who was arrested on the complaint given by the petitioner herein alleging cheating and rap giving a false promise that he will marry the petitioner.

2.The trial Court, after considering the materials placed by the prosecution as well as the victim, has granted bail to the second respondent. The trial Court has taken note of the fact that the petitioner and the accused were in love since 2014 while they were pursuing their education. The proximity has led consensual intercourse between them. The accused has promised the petitioner to marry her, soon after he gets an appointment in the Army. The trial Court considering these facts and submissions made by the accused that he is ready to marry the defacto complainant once he gets appointment in the Army has granted bail.

3.It is the contention of the petitioner / defacto complainant that after getting bail, the respondent refused to marry her. Therefore, bail has to be cancelled.



4.A reading of the complaint and the order passed by the trial Court granting bail to the second respondent clearly reveals that the petitioner herein had sexual intercourse with the second respondent with consent and the second respondent has made very clear that he cannot marry till he gets an appointment in Army. It is now brought to the notice of this Court that so far the second respondent has not secured any job either in Army or elsewhere. Having consented to have sex with the second respondent, the allegation of rape or cheating does not arise. It is the matter for trial to try whether the accused is guilty of the said allegations. But it cannot be the reason to cancel the bail already granted by the trial Court, which has considered the complaint, statement of the accused and the version of the petitioner / defacto complainant. Hence, this Court does not find any merit in this appeal. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-II)

To

- 1.The IIIrd Additional District Judge (PCR),
Madurai
- 2.The Inspector of Police,
AWPS Thirumangalam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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