

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.31702 of 2019

RAVI KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATION HOUSE OFFICER,
NERAVY POLICE STATION,
KARAIKAL.
CR.NO.63/2019

[RESPONDENT]

For Petitioner : M/S. P.J.RISHIKESH Advocate

For Respondent : MR. V.BALAMURUGANE, PUBLIC PROSECUTOR [PUDUCHERRY]

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 offences punishable under Sections 294(b), 323, 417 & 493 of IPC in Crime No.63 of 2019 seeks anticipatory bail.

2.Perused the case diary.

3.The Investigating Officer is present.

4.Heard arguments in extension by the learned counsel for the petitioner and also by the learned Public Prosecutor (Puducherry).

5.The petitioner who is working in the Indian Navy is charged in Crime No.63 of 2019 registered by the respondent police for the offence under Sections 294(b), 323, 417 & 493 of IPC.

6.The learned counsel for the petitioner stated that the case has a long history and even on an earlier occasion the defacto complainant had given a complaint against the petitioner herein. It is pointed out that on that occasion when she given a compliant before the Goa Police, she stated that she married the petitioner and had undergone abortion on two occasions in Nepal. The complaint given in Goa Police is also perused.

7.It is seen that she was forced to undergo abortion on two occasions in Nepal and she stated that she is having threat to her life. In the present complaint, it is pointed out by the learned counsel for the petitioner that the defacto complainant had not disclosed that she was married rather, she stated that she was forced to have sexual intercourse on several occasions by the petitioner herein and later, he had cheated her leading to the registration of the First Information Report for the offences as aforesaid mentioned.

8.On a perusal of the case diary it is seen that on several occasions, the Investigating Officer had occasion to address the Authorities in the Naval Department calling upon them to serve notice on the petitioner to appear for investigation. There was no response. On one occasion, the petitioner also appears to have gone to Karaikal and stayed in a hotel. The documents relating to that are also available in the Case Diary. When the Investigating Officer tried to apprehend the petitioner at Karaikal, he had gone away. Notices were also issued to the sister of the present petitioner for appearance and they also did not answer the said notices. It clearly shows that the petitioner is trying to avoid appearing before the Police. The statement made by the learned counsel for petitioner that the petitioner is prepared to co-operate is of no value and is actually a bald statement, particularly taking into account that on several occasions the petitioner had simply refused to answer the notices issued by the respondent.

9.On perusal of the First Information Report it is seen that the petitioner had forced himself on the defacto complainant on several occasions and had caused injuries to her and also threatened her leading to the registration of First Information Report for the offences under Sections 294(b), 323, 417 & 493 of IPC. The medical records of the defacto complainant are available in the case diary.

10.In view of all these factors, I am unable to accept the submissions made by the learned counsel for the petitioner to grant relief for the petitioner herein.

11.Accordingly, the Criminal Original Petition is dismissed.

-sd/-

27/11/2019

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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 STATION HOUSE OFFICER,
NERAVY POLICE STATION,
KARAIKAL.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S. P.J.RISHIKESH Advocate on payment of necessary
charges SR.No.24606

cs 03/12/2019

CRL OP.31702/2019

Date :27/11/2019



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