



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3065 of 2019

THIRUNAVUKARASU

... PETITIONER/PETITIONER / ACCUSED NO.1
Vs

THE SATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM, THENI.
(CRIME NO.1/2019)

... RESPONDENT / RESPONDENT/COMPLAINANT

For Petitioner : MR.P.KRISHNASAMY Advocate

For Respondent : Mr.K.SUYAMBULING BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.01.2019 for the alleged offence punishable under Sections 417,376,294(b) and 506(ii) of IPC in Crime No. 1 of 2019 seek anticipatory bail.

2. The case of the prosecution is that both the petitioner and the defacto complainant have love affair while they met in the defacto complainant's cousin Durga Venkateswari's Marriage. The defacto complainant due to family situation went to employment in KPR Garments, Coimbatore Even thereafter they continued their love affair. The petitioner very often went to Coimbatore and pick up the defacto complainant in his car and they had sexual relationship. Subsequently their relation came to known to the petitioner's family and the family members refused to perform the marriage between the petitioner and the defacto complainant on the ground that the defacto complainant's family cannot given them sufficient dowry Thereafter the defacto complainant lodged a complaint on 03.12.2018 before the odaipatti police and based on the complaint both the complainant and petitioner's family were compromised and decided to perform the marriage at Palani on 05.12.2018 When the defacto complainant's family members were assembled in the Palani Temple the petitioner's family has not reached the temple and when the defacto complainant enquired they informed that they are not willing to perform the marriage. Hence the defacto complainant has preferred a complaint to the respondent police.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Infact the marriage of Durga Venkateswari was not performed in the year alleged by the defacto complainant. It is only performed in the year 2016 and the petitioner did not have any relationship with the defacto complainant. However, by threat the marriage was arranged in the presence of police officials, however, the petitioner is not willing to marry the defacto complainant. The learned counsel for the petitioner in support of his contention has relied upon the decision of the Hon'ble Apex Court in **(2016)2 Supreme Court Cases (Cri.)397** and un reported judgement in High Court of Bombay in **Akshay Manoj Jaisinghani- Vs- State of Maharashtra in Anticipatory bail application No. 2221 of 2016** and accordingly he prayed for bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are materials available against the petitioner to prove the love affair between the petitioner and the defacto complainant and it is also proved that the petitioner picked up the defacto complainant in his car and had sexual relationship and thereafter refused to marry her. Initially a complaint was lodged before the Odaipatty Police Station. Since they have compromised and decided to marry and later they refused to marry on the ground that the defacto complainant is poor and they are unable to give sufficient dowry. The petitioner has already filed a bail application before this Court and the same was dismissed by this Court on 18.02.2019 in Crl.O.P(MD) No.2166 of 2019 and he vehemently opposed for grant of bail to the petitioner.

5. On perusal of the above decisions relied by the learned counsel for the petitioner, it is seen that they are not applicable to the present case on hand. In the present case of hand it is seen that the petitioner and the defacto complainant loved each other right from 2012 onwards and very often the petitioner had picked up the defacto complainant in his car and had physical relationship with each other. Taking into consideration the facts and circumstances of the case and also considering the nature and gravity of offence and the offence committed by the petitioner is very heinous in nature, this Court is not inclined to grant bail to the petitioner.

6. Hence the bail petition is dismissed.

sd/-

06/03/2019

/ TRUE COPY /



TO

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM, THENI

WEB COPY

- 2 THE OFFICER INCHARGE,
SUB JAIL, UTHAMAPALAYAM.
- 3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/JC/SAR-4/12.03.2019/3P/4C

ORDER
IN
CRL OP (MD) No.3065 of 2019
Date :06/03/2019