



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5198 of 2019

THIRUNAVUKARASU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
SIVAGANGAI DISTRICT.
Crime No.3 of 2019

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.B.PRAHALAD RAVI Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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 17.02.2019, for the alleged offence punishable under Sections 294 (b), 417, 376 & 506 (ii) in Crime No. 3 of 2019 on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioner given a false promise that he would marry the defacto complainant and sexually abused her. Thereafter, the defacto complainant got pregnancy of six month. However, the petitioner has refused to marry her, thereby the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would further submit that the defacto complainant only compelling the petitioner to marry her and the petitioner clearly expressed his intention to her that he did not have any intention to marry her. Hence, the defacto complainant lodged a false complaint against the petitioner. Based on her complaint, the petitioner was arrested on 17.02.2019 and confined in judicial custody in Sub jail Sivagangai more than 46 days. The petitioner has moved the bail application in Cr.M.P.No.645 of 2019 before the Sessions Court, Sivagangai and the same was dismissed. Hence, the petitioner approached this Court with this present petition.



4. The learned Government Advocate (Crl.Side) would submit that the investigation is at the preliminary stage and there is no change in facts. He would further submit that the defacto complainant has legitimate right to marry the petitioner. Hence, he opposed for grant of bail.

5. Taking into consideration the facts and circumstances of the case and also considering the fact there is no change in facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

6. Hence the bail petition is dismissed.

sd/-
08/04/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
SIVAGANGAI DISTRICT.
2. THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5198 of 2019
Date : 08/04/2019

TK/MMS/SAR-4/23.04.2019/2P/4C