



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

Date : 11/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.7874 of 2019

S.Muthu

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District
(Cr.No.1/2019).

... Respondent/Complainant

For Petitioner : M/s.A.D.Ganeshamoorthi, Advocate.

For Respondent : Mrs.M.Ananthadevi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.1/2019 on the file of the respondent police.

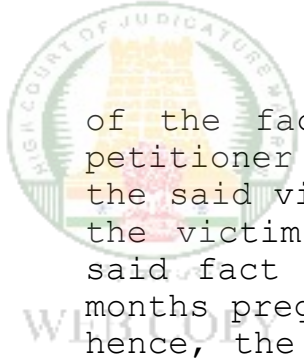
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 376 of IPC., in Crime No. 1 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, the victim is aged about 32 years and she is suffering from 25 % mental disorder. He further submitted that even as per the FIR, the defacto complainant, who is sister of the victim came to know on 10.09.2018 that the victim became pregnant and for the said pregnancy, the petitioner herein was responsible. But the complaint was lodged only on 10.01.2019. He further submitted that the petitioner is in noway connected with the aforesaid crime and since he happens to be a adjacent land owner of the defacto complainant, she gave a false complaint against the petitioner herein and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that by taking advantage



of the fact that the victim is a mentally disorder person, the petitioner being a adjacent land owner had sexual relationship with the said victim and made pregnant. She further submitted that since the victim is a mentally disorder person, she did not inform the said fact to any of the family members and only after became six months pregnancy, it was noticed that she is having some problem and hence, the victim was taken to the hospital and the doctor informed the defacto complainant that the victim is six months pregnant and thereafter, the child was born on 10.11.2018 and the said child died. She further submitted that since the defacto complainant is under depression, she could not immediately lodge a complaint and the complaint was lodged on 10.01.2019 and based on the said complaint, the case was registered in Cr.No.1 of 2019 under Section 376 IPC. She further submitted that the victim gave statement under Section 164 Cr.P.C before the learned Judicial Magistrate stating that the petitioner had committed rape. She further submitted that the petitioner is absconding from 10.01.2019 and for investigation purpose, his custodial interrogation is absolutely necessary and therefore she strongly opposed this petition.

5. Taking into consideration of the allegations made against the petitioner and also the fact that the victim is a 25 % mentally disorder person and also the fact that already the victim became pregnant and she delivered a child and the said child also died and also the submission made by the learned Government Advocate that the custodial interrogation of the petitioner is absolutely necessary, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this petition is dismissed.

sd/-
11/06/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.D.GANESHAMOORTHY Advocate SR.No.9454

ORDER IN
CRL OP(MD) No.7874 of 2019
Date : 11/06/2019