

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9994 of 2020

M.Perumal

...Petitioner

Vs.

State Rep. by

The Inspector of Police,
Poonamallee Police Station,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.94 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Sasindran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 306 of IPC in Crime No.94 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused had been intimacy with the victim/deceased for the past two years illegally. While their relationship, the victim attempted to commit suicide by consuming poison and the accused admitted her in Eddison Hospital at Tiruchendur and spent all medical expenses. The accused is a married man and also having two children. Thereafter, he intimated the defacto complainant not to give any complaint before the Police Station in respect of her attempt to commit suicide. He also gifted one gold chain weighing five sovereigns as marriage gift and on 14.02.2020, the victim married one Muthu at Tiruchendur and they they have also started their matrimonial life.

2.1. While being so, the accused started to contact the victim/deceased over her phone and also gave sexual torture, thereby asking her to continue their relationship and also compelled her to settle a sum of Rs.7 lakhs being the medical expenses spent by him. Further alleged that the accused threatened the victim that if she denied to continue her

relationship with him, he will exhibit all the photos through whatsapp and other social media and also to her husband and other relatives. Due to the torture, the victim committed suicide. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim were fell in love and had relationship for the past two years. Thereafter, she married one Muthu at Tiruchendur and they were living happily without any disturbance from the petitioner herein. It is absolutely false that the petitioner is a married man and he threatened the victim to continue their relationship even after her marriage. He further submitted that initially the case was registered under Section 174(3) of Cr.P.C., and subsequently the case has been altered into Section 306 of IPC. He further submitted that there was some dispute between the victim and her husband and as such she committed suicide and the petitioner is no way connected with the suicide committed by the victim. Hence he sought for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is a married man and he had two children. He had illegal intimacy with the victim for the past two years. In fact, while they were in relationship, the victim attempted to commit suicide by consuming poison and thereafter she was saved by proper treatment. On 14.02.2020, she was married one Muthu. Even then the petitioner threatened her over phone and also gave sexual torture to her asking to continue the relationship. Further he also threatened and compelled the victim to settle the amount to the tune of Rs.7 lakhs being the medical expenses spent by him. He also threatened the victim if she did not agree to sexual relationship, he will exhibit the photos through whatsapp and other social media and also to her husband and other relatives. Therefore, the victim committed suicide due to the continuous sexual torture given by the petitioner and the custodial interrogation is required. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner and the deceased had illegal intimacy for the past two years. Even while their relationship, the deceased attempted to commit suicide and thereafter she was saved by proper treatment. Thereafter on 14.02.2020, the deceased got married with one Muthu and started her matrimonial life. While being so, the petitioner threatened the deceased over phone to continue their relationship and if she not agreed to have sexual relationship, he will exhibit the photos in the social media. Further the RDO conducted enquiry and the enquiry reveals that the death was not occurred due to the matrimonial disputes between the deceased and her husband. It is also revealed that the petitioner had intimated the deceased to get divorce from her husband. Therefore, the deceased committed suicide, because of the continuous sexual torture given by the petitioner, even after her marriage.

6. Taking consideration of the above facts and circumstances of the case and also the fact that the case is in the initial stage of the investigation and the custodial interrogation of the petitioner is essential, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Original Petition is dismissed.

-sd/-
03/07/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
POONAMALLEE POLICE STATION, CHENNAI

CC to M/S K.SASINDRAN Advocate on payment of necessary charges

CRL OP.9994/2020

Date : 03/07/2020

GKS (CS) : 12/08/2020

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