

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10090 of 2020

M.Thunaivansamy

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Ulundurpettai,
Cr.No.7 of 2020

.... 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.7 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Senthilnathan

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
313, 417, 376, 294(b) and 506(i) of IPC in Crime No.7 of 2020, on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim/defacto
complainant fell in love with the petitioner herein and under the
pretext of false promise to marry the victim, the petitioner had
sexual intercourse with the victim. Therefore, she got pregnancy and
on the insistence of the petitioner, the pregnancy was aborted and
thereafter the defacto complainant married another person viz.,
Vetrivel in the year 2015. Even then the petitioner insisted the
defacto complainant to have relationship with him. He also informed
to her husband about their relationship and as such the defacto
complainant got separated from her husband. Thereafter, the
petitioner promised to marry the victim and again had physical
relationship. Therefore the defacto complainant got pregnant and gave
birth to a female child. When the defacto complainant insisted the
petitioner to marry her, the petitioner refused to her and also
threatened her with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant fell in love and thereafter she married with one Vetrivel and got divorce from her husband. In fact the petitioner also got married with one Thenmozhi on 13.12.2017 and he is living with his wife at Trichy. Thereafter, the petitioner never contacted the defacto complainant and no way responsible for her pregnancy or the child born to her. Therefore he sought for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant are neighbours and they loved each other. On the pretext of false promise to marry her, the petitioner had sexual intercourse with the defacto complainant. Due to which the defacto complainant got pregnant and on the insistence of the petitioner, the pregnancy was aborted. Thereafter the defacto complainant married one Vetrivel and started matrimonial life. Even then the petitioner insisted the defacto complainant to have relationship with her. He also informed to her husband about their relationship and as such the defacto complainant got separated from her husband. Thereafter, the petitioner promised to marry the victim and again had physical relationship, due to which the defacto complainant got pregnant and gave birth to a female child. When the defacto complainant insisted the petitioner to marry her, the petitioner refused to marry her and also threatened with dire consequences. Therefore, the custodial interrogation of the petitioner is very much required and hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner initially fell in love with the defacto complainant and had physical relationship with her. Later the defacto complainant married another person and started her matrimonial life. Thereafter, the petitioner informed to the defacto complainant's husband about their relationship and therefore, they got separated. Further alleged that the petitioner gave promise to marry the defacto complainant and again had physical relationship, due to which the defacto complainant gave birth to a female child and thereafter the petitioner refused to marry her. Therefore the petitioner has committed very serious offence as against the woman society. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

03/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ULUNDURPET.

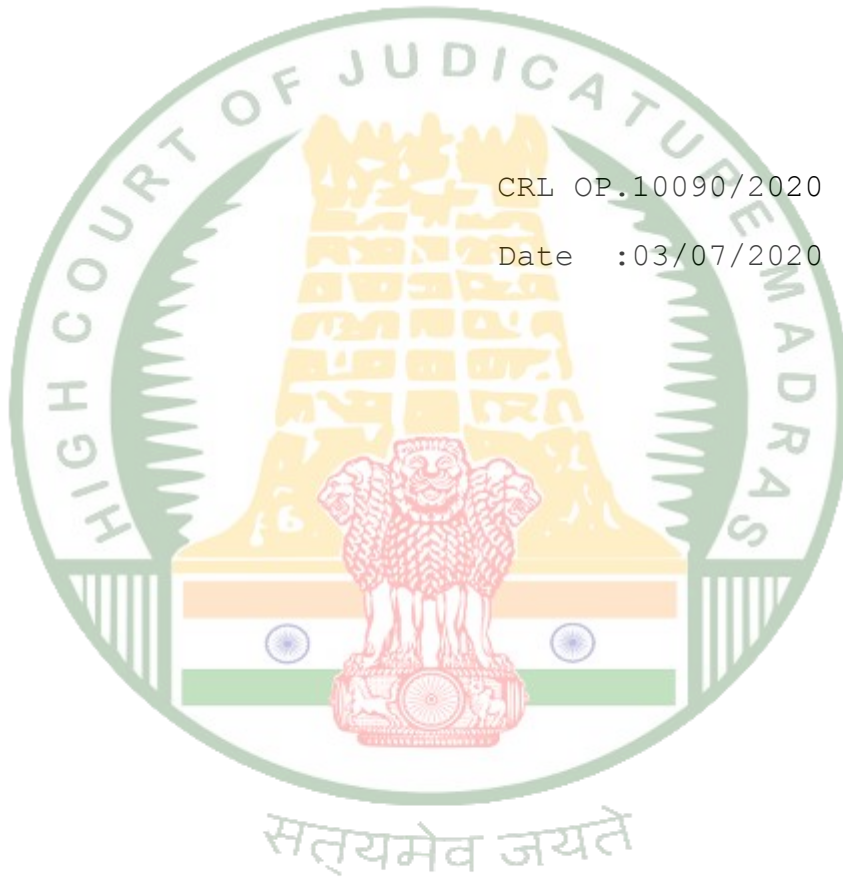
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10090/2020

Date :03/07/2020

cs 24/08/2020



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