

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 12458 of 2020

M. Ajithkumar

... Petitioner

Vs.

State Rep. by

The Inspector of Police,  
All Women Police Station,  
Erode Erode District.  
(Cr. No. 10 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.10 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

O R D E R

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 354, 355, 506(i), 506(ii), 294(b) of IPC in Crime No.10 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the Petitioner had love affair with the defacto complainant for the past 10 years and thereafter got married with the defacto complainant. During the initial stage of pregnancy of the defacto complainant the petitioner kicked her in stomach and assaulted her, due to which she was aborted. Therefore, she was admitted in the hospital. Thereafter, there was an harassment by all the family members of the petitioner. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner got married with the defacto complainant. Subsequently there was a mis understanding between them and as such the petitioner filed a divorce petition and it is pending as against the defacto complainant. In such circumstances, the Defacto Complainant has preferred a false complaint against the Petitioners. He would also submit that A2 to A5 have been granted anticipatory bail before this Court in CrI.O.P.No.8773 of 2020

order dated 24.06.2020. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had love affair with the defacto complainant for the past 10 years and thereafter got married with the defacto complainant. The petitioner assaulted her when she was at the initial stage of pregnancy later got aborted. The petitioner now abandoned her, due to which he filed a divorce petition and it is pending as against the defacto complainant. He would also submit that already this Court dismissed the anticipatory bail petition against the petitioner in Crl.O.P.No.8773 of 2020, dated 24.06.2020. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-  
28/08/2020

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,  
ALL WOMEN POLICE STATION,  
EORDE, ERODE DISTRICT.

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

CRL OP.12458/2020

Date :28/08/2020

MK:15/09/2020