



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1529 of 2020

Ramkumar ... Petitioner/Sole Accused
Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi District.
(Crime No.2/2020) ... Respondent/Complainant

Jency Mary ... Intervening Petitioner/
Defacto Complainant

For Petitioner : M/s.D.Venkatesh, Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervener : Mr.T.A.Ebenezer, Advocate

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

PRAYER :-

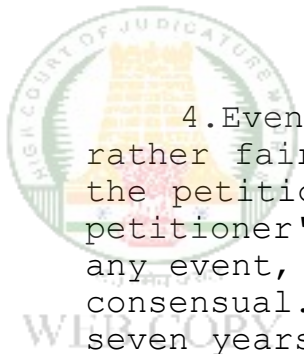
For Anticipatory Bail in Crime No. 2/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the learned counsel for the intervener and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 376 and 506(i) of I.P.C., in Crime No.2 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner held out false assurances of marriage and had sexual intimacy with the complainant. It is also alleged that the petitioner had taken nude photographs of the complainant. Since the petitioner is not willing to get married to the victim, the case on hand has been registered.



4. Eventhough, the allegations made against the petitioner are rather fairly serious, certain facts cannot be lost sight off. Both the petitioner as well as the victim are in the constabulary. The petitioner's age is 28 years and the victim's age is 35 years. In any event, the relationship between the parties appears to be rather consensual. The petitioner is younger to the victim by more than seven years. Therefore, I am inclined to grant anticipatory bail to the petitioner herein.

5. The learned counsel for the intervener would specifically allege that some obscene photographs are very much in the custody of the petitioner.

6. It is open to the respondent to even formally arrest the petitioner for the purpose of effecting recovery of the photographs. Protection is given only against being remanded. For the purpose of effecting recovery in terms of Section 27 of The Indian Evidence Act, 1872 the petitioner can be arrested. It is made clear that the honour and dignity of the victim shall not be affected in any way. The learned counsel for the petitioner on instruction gives an undertaking that the petitioner will not do anything that may further offend the honour and dignity of the victim. If he does so, this Court will not hesitate to cancel the bail granted now in this Criminal Original Petition.

7. In the view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tiruchendur, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-2152[I] dated 03/02/2020)

+1 CC to M/s.D.VENKATESH, Advocate (SR-2180[I] dated 04/02/2020)

ORDER

IN

CRL OP(MD) No.1529 of 2020

Date :03/02/2020

MS/PN/SAR-2/06.02.2020/3P.7C