



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

Date : 07/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11624 of 2020

Indhirani ... Petitioner/ Defacto Complainant

Vs

1. Muthukumar ... 1st Respondent/ Petitioner/ Accused

2. State Rep.by
The Inspector of Police,
All Women Police Station (Rural),
Tirunelveli.
(Crime No.1 of 2020) ...2nd Respondent/Respondent/Complainant

For Petitioner : Mr.C.Jeyaprakash, Advocate.
For Respondent 1 : Mr.A.S.Vaigunth, Advocate
For Respondent 2 : Mr.K.Suyambulinga Bharathi,
Govt. Advocate (Crl.Side)

PRAYER :- To Cancel the bail granted to the 1st petitioner/accused in Cr.M.P.No.1223 of 2020 on the file of the Principal Sessions Court, Tirunelveli, dated 04.03.2020.

ORDER : The Court made the following order :-

This petition has been filed to cancel the bail granted to the first respondent in Crl.M.P.No.1223 of 2020 on the file of the Principal Sessions Court, Tirunelveli, dated 04.03.2020.

2.It is seen that the first respondent who arrayed as sole accused in Crime No.1 of 2020 registered on the file of the second respondent for the offence punishable under Sections 417, 376, 294 (b) and 506(ii) I.P.C. And Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

3.The case of the prosecution is that the petitioner and the first respondent fell in love and on the pretext of marriage, the first respondent had physical relationship with the petitioner herein. Therefore, the petitioner got pregnant. Since, the first respondent denied to marry her, the parents of the petitioner lodged a complaint. Hence, the first respondent was arrested and remanded to judicial custody on 04.02.2020.



4.The first respondent filed the bail petition and represented that he will marry the petitioner after coming out on bail. The first respondent was granted bail on this sole ground by the Court below.

5.The learned counsel for the petitioner submitted that the first respondent obtained bail by giving false representation. The first respondent after coming out on bail approached the petitioner and her family members to withdraw the complaint registered against him with dire consequences. Hence, he prays for cancellation of bail granted to the first respondent.

6.The learned counsel appearing for the first respondent submitted that the first respondent denied the marriage held between him and the petitioner. This Court by order dated 23.11.2020 directed the first respondent to register the marriage between the petitioner and the first respondent and produce the marriage certificate before the second respondent on or before 04.12.2020.

7.Today, when the matter was taken up for hearing, the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the second respondent submitted that the first respondent failed to register his marriage with the petitioner and his whereabouts are also not known.

8.It is seen that the first respondent obtained bail before the Court below by giving false representation and this Court gave one more opportunity to the first respondent to register his marriage. But even then, the first respondent failed to comply with the direction given by this Court.

9.Considering the above facts and circumstances of the case, the bail granted to the first respondent in Crl.M.P.No.1223 of 2020 on the file of the Principal Sessions Court, Tirunelveli dated 04.03.2020 is hereby cancelled. The second respondent is directed to secure the first respondent and proceed in accordance with law.

sd/-
07/12/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, the responsibility of the advocate/litigant concerned.

<https://hcservices.e-courts.gov.in/hcservices>



TO

1. THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (RURAL),
TIRUNELVELI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11624 of 2020

Date :07/12/2020

MS/PN/SAR-4/09.12.2020/3P.4C