



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

Date : 12/10/2020

PRESENT

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

CRL OP(MD) . No.10070 of 2020

Felix Raj

...Petitioner/Sole Accused

Vs

The State Rep.by,
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
(Cr.No.29 of 2020)

... Respondent/Complainant

Hepsibha Mary

... Petitioner/Intervener/Defacto Complainant
in Crl.MP(MD)No.4832/2020
in Crl.OP(MD)No.10070/2020

For Petitioner : Mr.M.Solaisamy,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Balakarthick
Advocate.

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

PRAYER :-

For Anticipatory Bail in crime No.29 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 376 and 417 IPC, in Crime No.29 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant fell in love with the petitioner and on the pretext of marriage, the petitioner had physical relationship with the defacto complainant. Thereafter, he refused to marry the defacto complainant. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant were friends. After completion of his under graduation, the petitioner has no contact with the defacto complainant. While being so, in the month of January 2019, the defacto complainant forced the petitioner to marry her, but the petitioner refused to marry her. Hence, the present complaint.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that on the pretext of marriage the petitioner had physical relationship with the defacto complainant and thereafter threatened the defacto complainant with dire consequence and refused to marry her.

6. The learned counsel for the defacto complainant/intervenor has submitted that during their college days the petitioner and the defacto complainant are living in the same locality. During their school days both were acquainted with each other. During their college days the petitioner promised to the defacto complainant and in fact they lived together as husband and wife. They also had physical relationship and thereafter the petitioner refused to marry the defacto complainant for one or other reasons. Now the petitioner is arranging marriage with some other girl.

7. It is seen that the petitioner fell in love with the defacto complainant and on the pretext of marriage the petitioner had physical relationship with the defacto complainant and thereafter he refused to marry her. Now the petitioner is arranging marriage with some other girl.

8. Considering the above facts and circumstances of the case and considering the fact that, the petitioner committed very serious and heinous offence as against the woman, this Court is not inclined to grant anticipatory bail to the petitioner.

9. Accordingly, the Criminal Original Petition stands dismissed.

sd/-
12/10/2020

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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, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10070 of 2020
Date :12/10/2020

vsd
PK/JC/SAR-II/15.10.2020 : 3P/3C