



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2020

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PRESENT

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

CRL OP(MD) . No.10425 of 2020

Nihasali ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station(AWPS)
Palani, Dindigul District.
In Crime No. 17/2020.

... Respondent/Complainant

For Petitioner : Mr.V.Rajiv Rufus,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 17 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(ii)(F)(N) r/w Sections 109, 509 and 506(i) of IPC, in Crime No.17 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant proceeded to hospital, at the time, the petitioner being the distance relative, has given lift to her to reach the hospital in his car. During the travel, the petitioner had given water. After drinking the same, the defacto complainant fell unconscious. Thereafter, the petitioner had taken her to his house and sexual intercourse with her and the same was photographed by him. After showing the photograph, on compulsion, again and again he had sexual intercourse with the defacto complainant and also received money on various occasion. 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 had relationship with the wife of the defacto complainant and the husband of the defacto complainant attempted to commit suicide along with his children in front of the Palani Police Station by demanding action against his complaint. Therefore, the respondent police registered the complaint after six months. He further submitted that the petitioner is working in the fire service department and as such a false complaint has been foisted as against the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that on the date of occurrence, the petitioner has given water to the defacto complainant. After drinking the same, the defacto complainant fell unconscious. Thereafter, the petitioner had sexual intercourse with the defacto complainant and the same was photographed by him. After showing the photograph, on compulsion, he had sexual intercourse with the defacto complainant and also received money on various occasion.

6. On perusal of the records, it is seen that when the defacto complainant proceeded to hospital, the petitioner has given lift to her to reach the hospital. During the travel, the petitioner has given water to the defacto complainant, in which, the defacto complainant fell unconscious. Thereafter, the petitioner had sexual intercourse with the defacto complainant and the same was photographed by him and thereafter, by showing photograph, again and again he had sexual intercourse with the defacto complainant and extracted money on various occasion.

7. Considering the facts and circumstances of the case and also considering the fact that there are serious allegations against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition is dismissed.

sd/-
06/10/2020

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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.

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- TO
- 1.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION(AWPS)
PALANI, DINDIGUL DISTRICT.
 - 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10425 of 2020
Date :06/10/2020

vsg
AE/JC/SAR-IV (14.10.2020) 3P 3C