



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2020

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PRESENT

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

CRL OP(MD). No.11092 of 2020

S.Nagaraj

... Petitioner/
Accused rank not known

Vs

The State rep. by
The Inspector of Police,
Thirupparankundram Police Station,
Thirupparankundram, Madurai.
(Crime No.Not known of 2020).

... Respondent/Complainant

For Petitioner : M/s.P.Venkatesan, Advocate.

For Respondent : Mr.KR.Bharathi kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

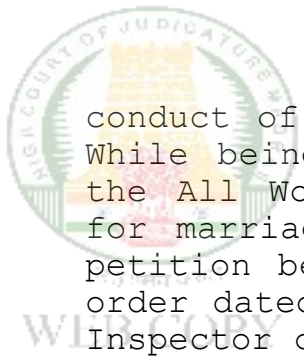
For Anticipatory Bail in Crime No.Not known of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323,354,417,506(i) of IPC and Section 4 of TNPHW Act seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant fell in love with the petitioner for the past two years and thereafter on the pretext of marriage the petitioner had physical relationship, due to which she became pregnant. There was a dispute between them and their relationship was broken and the petitioner denied the marriage that took place between the petitioner and the defacto complainant and she was also driven out to her parents house. Now she also gave birth to a female child and the petitioner is refusing to take her back to the matrimonial home.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were in love for the past two years and thereafter he came to know about the family situation and



conduct of the defacto complainant he had broken the relationship. While being so, the defacto complainant lodged a complaint before the All Women Police Station, Thiruparankundram and compelled him for marriage. Thereafter the petitioner was constrained to file a petition before this Court for not to harass and this Court by an order dated 01.06.2020 in Crl.O.P(MD) No.5572 of 2020 directed the Inspector of Police, All Women Police Station, Thiruparankundram to issue summons and conduct enquiry. After conducting detailed enquiry the complaint lodged by the defacto complainant was closed. Now the defacto complainant has filed the present complaint before the police and the police without considering the earlier complaint has registered the present case. He would also submit that the petitioner is innocent and he has nothing to do with the alleged crime.

4. The learned Government Advocate(Criminal Side) would submit that on the pretext of marrying the defacto complainant and the petitioner had physical relationship with her and she got married the defacto complainant and now the defacto complainant has also delivered a female child and there is nobody to take care of the child and the defacto complainant and when the same was questioned by the defacto complainant the petitioner and other family members threatened her with dire consequences.

5. It is seen that there are four accused in this case and the petitioners are arrayed as A1 to A4. Even according to the petitioner both the petitioner and the defacto complainant loved each other and thereafter they had physical relationship and she also got pregnant. At this juncture the defacto complainant was driven out to her parental house and the petitioner herein refused to take her back to the matrimonial home. Further the petitioner is also denying the marriage that took place between them and the family members of the petitioner also threatened the defacto complainant with dire consequences and also beaten her. Now the defacto complainant also delivered a female child and both of them were left in lurch.

6. Taking into consideration all the facts and circumstances of the case and also the fact that the petitioner had committed a serious offences against women, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Hence this petition stands dismissed.

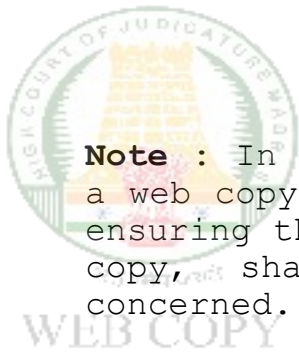
sd/-

09/10/2020

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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,
THIRUPPARANKUNDRAM POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11092 of 2020
Date :09/10/2020

AAV
SRS/ AKM/SAR-II/ 13.10.2020/ 3P/3C