



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

Date : 13/10/2020

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PRESENT

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

CRL OP(MD) . No.11287 of 2020

Vellaisamy @ Vellaiyan

... Petitioner/Sole Accused

Vs

State through represented by
The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.
Crime No.27 of 2020.

... Respondent/Complainant

For Petitioner : M/s.N.Anandakumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

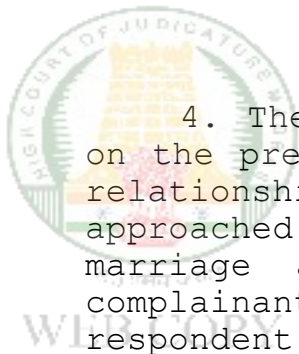
PRAYER :-For Bail in Crime No.27 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.08.2020 for the offences punishable under Sections 376(1), 417,294(b), 506 (i) of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner on the pretext of marrying the victim had physical relationship on several occasions and due to which she become pregnant and thereafter the petitioner herein refused to marry her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner never fell in love with the victim girl, who is aged about 32 years. He would also submit that the petitioner is not the reason for the pregnancy of the victim. He would further submit that due to election motive between the petitioner and the President of the Panchyat, he instigated the victim to lodge a false complaint against the petitioner. He would also submit that the petitioner is no way connected with the offence as alleged by the defacto complainant.



4. The learned Government Advocate(Crl.Side) would submit that on the pretext of marrying the victim the petitioner had physical relationship and thereafter refused to marry the victim. The victim approached the Panchayat for negotiation with the petitioner for marriage and the same also failed and as such the defacto complainant with no other option has lodged a complaint before the respondent herein. He further submitted that the victim now delivered a female child and DNA test is yet to be conducted.

5. It is seen that the petitioner is a sole accused. It is also seen that the petitioner fell in love with the victim girl and on pretext of marrying the victim had physical relationship on several occasions and due to which she become pregnant and thereafter the petitioner herein refused to marry her and now the victim delivered a female child. If at all the DNA test not proved in respect of the female child born through the petitioner herein, the petitioner can very well approach this Court once again for bail. At this juncture this Court is not inclined to grant bail to the petitioner.

6. In the result, this petition stands dismissed.

sd/-

13/10/2020

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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 SUPERINTENDENT, CENTRAL PRISON, TRICHY.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM, TRICHY DISTRICT.

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

ORDER IN

CRL OP(MD) No.11287 of 2020

Date :13/10/2020

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