



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

Date : 26/11/2020

PRESENT

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

CRL OP(MD). No.12197 of 2020

Sudhakaran

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Golden Rock, Trichy District.  
(Crime No.14 of 2020).

... Respondent/Complainant

For Petitioner : Mr.A.Azhageson,  
Advocate.

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

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

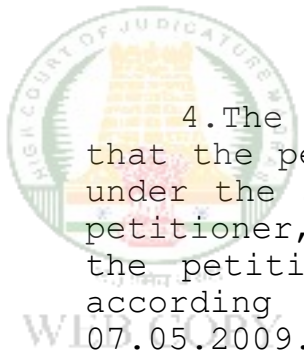
PRAYER :- For Anticipatory Bail in Crime No.14 of 2020 on the file of the Respondent Police.

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 offences punishable under sections 376 and 506(i) of IPC, in Crime No.14 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 07.05.2009 the victim girl was called by the petitioner in respect of their marriage. On the same day, the victim girl went to the petitioner's house. While speaking each other in respect of their marriage, suddenly, the petitioner has committed rape on the victim girl. Thereafter, the petitioner refused to marry the victim girl and threatened her with dire consequences. 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 as well as the defacto complainant were working under the same company. When the victim girl proposed to love the petitioner, the same was refused by the petitioner. Due to which, the petitioner has been falsely implicated in this case. Even according to the prosecution, the occurrence took place on 07.05.2009. Thereafter, only on 18.01.2020, the victim girl lodged a complaint and there is absolutely no explanation for the delay of lodgement of the complaint. Hence, he prayed to grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side), appearing for the respondent Police submitted that the petitioner and the defacto complainant loved each other. On the pretext of marriage, the petitioner had physical relationship with the victim girl and thereafter, he refused to marry the victim girl. Hence, he opposed for grant of anticipatory bail petition to the petitioner.

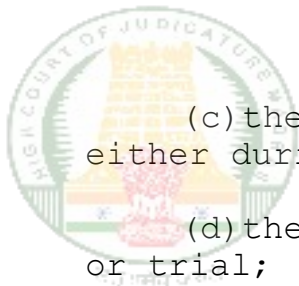
6.It is seen that the occurrence took place on 07.05.2009. According to the defacto complainant, she went to the petitioner's house and the petitioner said to have committed rape on the victim girl. When the accused has committed rape on the victim girl, she ought to have lodged complaint after the occurrence. In the case on hand, the occurrence took place in 07.05.2009 and the complaint lodged only on 18.01.2020, after period of 11 years.

7.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place on 07.05.2009 and the FIR has been registered only on 18.01.2020 and there is absolutely no explanation for the delay of lodgement of the complaint, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Additional Mahila Court, Trichirapalli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and



(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

WEB COPY (e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
26/11/2020

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,  
ADDITIONAL MAHILA COURT, TRICHIRAPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
GOLDEN ROCK, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.12197 of 2020  
Date :26/11/2020

MS/PN/SAR-3/04.12.2020/3P.5C

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