



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2020

PRESENT

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

CRL OP(MD). No.14616 of 2020

Marichamy

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Eppodumvendran Police Station,
Thoothukudi District.
(Crime No.20 of 2020)

... Respondent/Complainant

For Petitioner : Mr.K.Prabhu,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No. 20 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 417, 420 and 313 of IPC, in Crime No.20 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the victim girl aged about 28 years who is being widow had affair with the petitioner/A-1. Due to which on the pretext of marriage they had physical relationship and the victim also got pregnancy. At the time of her six month pregnancy, on the instigations of the petitioners and other accused persons and also on pretext of marriage they made to abort her pregnancy. Subsequently, all the accused persons refused to marry the victim with the petitioner for the reason that her conduct is not good. Hence, the complaint.



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

4. The learned senior counsel appearing for the petitioner has submitted that, totally there are five accused persons in which the petitioner has been arrayed as A-1, while being so, the petitioner went for marriage function he had intimacy with the victim and due to which she also got pregnant. Subsequently, he came to understand that the petitioner has also one among the persons who had intimacy with the victim. Therefore, all the family members refused to get marry with the victim girl. Hence, he prayed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (crl. Side) appearing for the respondent police submitted that, only on the instigation of all the accused persons the victim was taken into hospital and abort her pregnancy on the pretext of marriage, subsequently, they refused to marry the victim girl.

6. It is seen from the records that the victim is widow and utilised the said position, A-1 had sexual relationship with the victim on the pretext of marriage, due to which, she also got pregnancy and subsequently, the petitioner along with other accused persons taken her to hospital and made to abort her pregnancy on the pretext of marriage. After aborting her pregnancy, the accused persons refused to get marry the victim girl with A-1. Therefore, A-1 has committed very serious and heinous offence as against women.

7. This is the second application and there is no change of circumstances to entertain this application. Considering the facts and circumstances of the case and also considering the fact the petitioner has committed very serious and heinous offence as against women, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

15/12/2020

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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,
EPPODUMVENDRAN POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14616 of 2020
Date :15/12/2020

VSG
TE/JC/SAR-III : 18/12/2020 : 3P/3C