



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2020

PRESENT

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

CRL OP(MD) . No.15184 of 2020

Soosai

... Petitioner/Accused No.1

Vs

State reo.by

The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

Crime No. 898/2020.

... Respondent/Complainant

For Petitioner : Mr.A.Joel Paul Antony,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No. 898/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 376 and 313 of IPC r/w Section 7 of Medical Termination of Pregnancy Act, 1971, in Crime No.898 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim lady aged about 35 years and the petitioner had affair with her. Due to which on the pretext of second marriage they had physical relationship and the victim also got pregnancy. At the time of her three month pregnancy, which came to knowledge of A2 to A4. Immediately, the victim was taken to the Hospital, which was run by fifth accused and she administered pills towards her virgin and immediately, she has suffered with illness. Thereafter, she was taken to the Government Hospital and aborted her pregnancy. 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 petitioners submitted that the defacto complainant is aged about 35 years and the petitioner had physical relationship with the defacto complainant with her consent, as such, the offence under Section 376 of IPC is not made out as against the petitioner. Insofar as the petitioner is concerned, he had physical relationship with the defacto complainant and there is no way connected with the alleged occurrence. 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 petitioner, all the accused persons have taken the victim was taken to the hospital and aborted her pregnancy.

6. It is seen from the records that the petitioner had sexual relationship with the victim on the pretext of second marriage, due to which, she also got pregnancy and subsequently, the petitioner and other accused persons taken her to hospital and made to abort her pregnancy. Therefore, the petitioner has committed very serious and heinous offence as against women.

7. 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/-
18/12/2020

/ TRUE COPY /

/ /2021
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.



1. THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15184 of 2020
Date :18/12/2020

vsg
AE/KV/SAR-II (06/01/2021) 3P / 3C