



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

Date : 18/12/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.15158 of 2020

1. Arockiyammal
2. Savarimuthu
3. Ponnukalai @ Manivel ... Petitioners/Accused Nos.2 to 4

Vs

State rep.by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Crime No. 898 of 2020. ... Respondent/Complainant

For Petitioners: Mr.A.Joel Paul Antony,
Advocate.
For Respondent : Mrs.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 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A4, 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, seek anticipatory bail.

2.The case of the prosecution is that the victim lady aged about 35 years and the first accused 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 petitioners 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 first accused 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 petitioners. Insofar as the petitioners are concerned, they are family members of A1 and there is no way connected with the alleged occurrence. Hence, he prayed to grant anticipatory bail to the petitioners.

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 aborted her pregnancy.

6. It is seen from the records that A-1 had sexual relationship with the victim on the pretext of second marriage, due to which, she also got pregnancy and subsequently, the petitioners and other accused persons taken her to hospital and made to abort her pregnancy. Therefore, the petitioners have committed very serious and heinous offence as against women.

7. Considering the facts and circumstances of the case and also considering the fact the petitioners have committed very serious and heinous offence as against women, this Court is not inclined to grant anticipatory bail to the petitioners.

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



TO

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.15158 of 2020

Date :18/12/2020

vsg

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