



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

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3203 of 2021

1. Arputharaj @ Appachi
2. Renuga

... Petitioners/Accused Nos.1 and 2
Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tuticorin.
(In Crime No.7/2021)

... Respondent/Complainant

Esther Merlin

... Petitioner/ Intervener
IN CRL MP(MD)No.1817 of 2021
IN CRL OP(MD)No.3203 of 2021

For Petitioners: Mr.V.Malaiyendran,
Advocate.

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

For Intervenor : Mr.A.Thiruvadi Kumar, Advocate

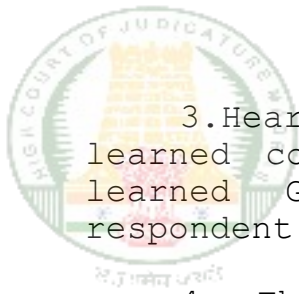
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.7/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 376, 417 and 506(i) I.P.C., on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant fell in love in the year 2017 onwards. The first petitioner promise to marry the defacto complainant and he had forcefully intercourse with the defacto complainant. Thereafter, the first petitioner refused to marry her. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.



3. Heard the learned counsel appearing for the petitioners, the learned counsel for the intervenor/ defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners after making elaborate arguments seeks permission of this Court to withdraw this petition.

5. The learned counsel for the petitioners submitted that the first petitioner admitted that the defacto complainant and the first petitioner were loved with each other from the year 2017.

6. The learned Government Advocate (Crl. Side), appearing for the respondent police produced a lodge receipt, wherein, the first petitioner had stayed along with the defacto complainant. The first petitioner's mother strongly objected to marry her. The first accused had clandestinely taken video graphs during the period, they were in intimacy. Hence, he prayed the petition to be dismissed.

7. The learned counsel for the intervenor / defacto complainant submitted that the on 05.02.2021 / 06.01.2021, the first petitioner had intercourse with the defacto complainant, during the night hours. On the very next day, it revealed that the marriage of the first petitioner was fixed with some other lady and when the defacto complainant had questioned the same, a demand of Rs.50,00,000/- was demanded as a Dowry. When the incident was reported to the second petitioner, who is the mother of the first petitioner, she had cited caste difference and had criminally intimidated the defacto complainant. Hence, he prayed the petition to be dismissed.

8. It is seen the first petitioner had clandestinely taken video graphs during the period and the communal devoid as a reason for not conducting formal marriage and hence, custodial interrogation of the petitioners in this case is very much necessary.

9. Considering the above facts and circumstances of the case and also considering the nature of offence committed by the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

10. Hence, this Criminal Original Petition is dismissed as withdrawn.

sd/-
23/03/2021

/ 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.

WEB COPY

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN.

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

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-2497[I] dated
24/03/2021)

ORDER
IN
CRL OP(MD) No.3203 of 2021
Date :23/03/2021

LS
MS/VR/30.03.2021/3P.4C