



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

Date : 08/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3567 of 2021

Arun Kumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Srirengam, Tiruchirappalli City,
Tiruchirappalli District.
Crime No.2/2021.

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C

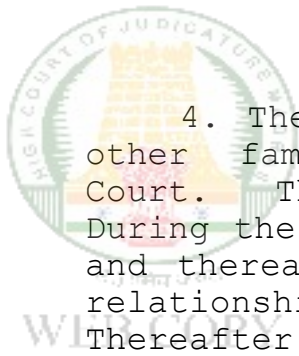
PRAYER :- For Bail in Crime No.2 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 24.01.2021 for the offences punishable under Sections 376(1), 294(b), 323 and 506(i) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner on false promise of marrying the defacto complainant has sexual intercourse with her and thereafter refused to marry her and criminally intimidated her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the victim is 23 years and the petitioner is 31 years old and they are known to each other from young age. Due to the love affair they had sexual relationship on several occasions. Therefore on 26.04.2020 when the petitioner refused to marry her the cause of action arose as if the petitioner had assaulted the victim. He further submitted that the victim is major and knowing the consequences she subjected herself to the petitioner and now projecting as if it was



4. The learned Government Advocate(Crl.Side) would submit that other family members of A1 were granted anticipatory bail by this Court. The petitioner and the victim are known to each other. During the marriage of the petitioner's sister they came in contact and thereafter they continued their relationship and had physical relationship on several occasions on the promise of marrying her. Thereafter also the petitioner had sexual relationship and refused to marry the victim girl. Finally the marriage proposal was fixed the petitioner by giving one reason or another evading the marriage proposal. Though the marriage was delayed, their physical relationship continued. It is seen from the statement of the victim recorded under Section 164 of Cr.P.C that on 02.05.2020 the victim had lodged complaint to the respondent and at that time the petitioner appeared before the respondent and gave an undertaking that he will marry the victim within three months admitting their relationship. Thereafter he refused to marry her giving one reason or another. Thereafter the present complaint has been lodged on 23.01.2021 and now the victim girl was left in lurch and the petitioner had exploited the victim.

5. When this Court was about to dismiss the petition on merits the learned counsel for the petitioner seeks permission of this Court to withdraw the petition.

6. In view of the same, this petition is dismissed as withdrawn.

sd/-

08/03/2021

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/ /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.

TO

1. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIRENGAM, TIRUCHIRAPPALLI CITY, TIRUCHIRAPPALLI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.3567 of 2021

Date : 08/03/2021

AAV

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