



WEB COPY

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

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3805 of 2021

Sivagurunathan ... Petitioner/Accused No.1
Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Sirvilliputhur, Virudhunagar District.
Crime No. 3 of 2021. ... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,
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.3 of 2021 on the file of the Respondent Police.

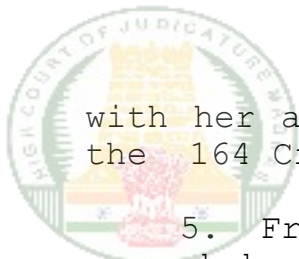
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 20.02.2021 for the offences punishable under Sections 417,376 and 506(i) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that victim and A1 loved each other and A1 on false promise of marrying the victim had sexual intercourse with her on various occasions and thereafter refused to marry her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner never committed any offence as alleged by the prosecution and the defacto complainant is only forcing him to marry her and since he refused a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that A1 on false promise of marrying the victim had sexual intercourse



with her and thereafter refused to marry her. He has also produced the 164 Cr.P.C statement of the victim girl.

5. From the perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C it is seen that both A1 and the victim belongs to same village and they loved each other. The petitioner on false promise of marrying her had sexual intercourse with her on several occasions in several places. Believing the words of A1, the victim girl had given herself to A1. The victim had informed the same to her parents and when they enquired A1, he refused to marry the victim and thereafter the complaint has been lodged and in the police station also the petitioner refused to marry the victim without giving any reason. Today , the victim also appeared before this Court and reiterated the same.

6. Since the petitioner had committed the heinous offence of rape against the victim and now refusing to marry her without any reason, this Court is not inclined to show any leniency on him.

7. In the result, the petition stands dismissed.

sd/-
18/03/2021

/ 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.

TO

- 1.THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIRVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3805 of 2021
Date :18/03/2021

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[https://hcsb.org.in/CaseDetails.aspx?CaseNo=3805&CaseType=CRL%20OP\(MD\)&CaseDate=18/03/2021](https://hcsb.org.in/CaseDetails.aspx?CaseNo=3805&CaseType=CRL%20OP(MD)&CaseDate=18/03/2021) (23/03/2021) 2P / 4C