



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

Date : 27/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD). No.5572 of 2021

WEB COPY

Shaya Princies Vinoth

...Petitioner/Sole Accused

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
(In Crime No.10 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Banu Prasath.P.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

To anticipatory Bail in Crime No.10 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 417 and 376 IPC, in Crime No.10 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are close relatives and they loved each other two years ago. The allegation against the petitioner is that on 12.01.2020 the petitioner invited the defacto complainant for celebrating his birthday. When the defacto complainant came to his house, he had sexual intercourse with the defacto complainant with a false promise to marry her and he had sexual intercourse with her for several times. She got pregnant and she did not inform her parents about the same. On 08.04.2021 she was taken to the hospital and she delivered a girl baby. Thereafter, he refused to marry her. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the defacto complainant had relationship with other person from the year 2019 and as a result she got conceived. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. It is seen from the submissions made that the petitioner is said to have sexual relationship with the defacto complainant on a false promise to marry her and subsequently he refused to marry her. As a result of sexual relationship with the petitioner, the defacto complainant delivered a female baby through cesarean on 09.04.2021. These aspects are to be investigated by the Investigation Officer in this case and the investigation is still pending.

6. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the petitioner committed a very serious offence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Hence, this criminal original petition stands dismissed.

sd/-

27.04.2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

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,
Tiruchendur,
Thoothukudi District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-3445[I] dated
28/04/2021)

ORDER
IN

CRL OP (MD) No.5572 of 2021
Date : 27/04/2021