



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

Date : 26.07.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.8662 of 2021

S.Muneeshprasu @ Munieshbrapu

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Keelakkarai,
Ramanathapuram District.
In Crime No.11 of 2020,

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh
for M/s.Dictum Law Firm

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

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

PRAYER :-

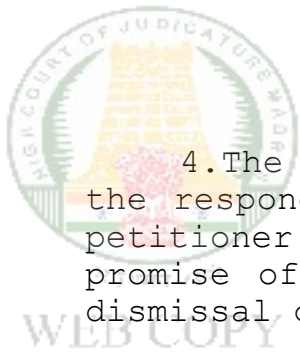
For Anticipatory Bail in Crime No.11 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 376 and 506(ii) of IPC and Sections 5(i), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.11 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the accused on the promise of marrying the defacto complainant had sexual relationship with her on 15.11.2019, despite the objections raised by the victim girl alleging that she was only 17 years old. Even thereafter, he continued to have sexual relationship with her several times on the promise of marrying her. As a result, she got conceived. When it was informed to him, he refused to marry her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. He also submitted that the character of the victim girl is not good. Therefore, he seeks anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that the petitioner has sexual relationship with the victim girl on the promise of marrying her and then dumped her. Therefore, he seeks dismissal of this petition.

5. Perusal of the records shows that the petitioner was aged 26 years and the victim girl was aged 17 years at the time of commission of the offence concerned in this case. Reading of the Section 164 Cr.P.C. statement of the victim girl shows that the petitioner proposed love to the defacto complainant and then on the promise of marrying her, had sexual relationship with her several times and made her pregnant. When it was informed to him that she was pregnant, he refused to marry her. It is seen that the petitioner who is 26 years old ravished the victim girl who was only 17 years old. Medical examination of the victim girl and the petitioner is necessary. Only if the petitioner is taken into custody, medical examination can be conducted and the investigation can be brought to conclusion. In such facts and circumstances, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed.

sd/-

26/07/2021

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

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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, KEELAKKARAI,
RAMANATHAPURAM DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.8662 of 2021

Date : 26/07/2021