



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

Date : 16/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9279 of 2021

Muthukrishnan ... Petitioner/Sole Accused

Vs

State through
The Sub Inspector of Police,
All Women Police Station, Aruppukottai,
Virudhunagar District.
Cr.No. 7 of 2021. ... Respondent

Kalaiyarasi ... Intervener/Defacto Complainant

For Petitioner : M/s.Alagumani R,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of Tamil Nadu (Crl.Side)

For Intervenor : Mr.S.Poornachandran

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

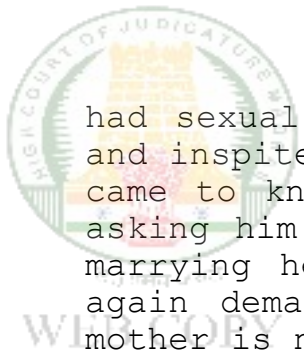
PRAYER :-

For Anticipatory Bail in Crime No.7 of 2021 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 and 376 IPC in Crime No.7 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the accused were in love with each other for the past 10 years. The accused was working in Tiruppur. He used to come during holidays. When he comes home, he used to meet the defacto complainant in a tree form. On 13.03.2021, at about 11.00 pm., he



had sexual relationship with her under neem tree against her wish and inspite of her resistance. The defacto complainant on 01.05.2021 came to know that the petitioner is searching bride. When she was asking him about the same, he denied and asked two months time for marrying her. But he did not take any action in that regard. She again demanded on 20.05.2021 to marry her, he told her that his mother is not accepting for the marriage. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He produced a copy of the complaint receipt dated 08.07.2018 wherein there is no mention about the sexual intercourse. Therefore, he seeks anticipatory bail.

4.The learned counsel for the intervenor strongly opposed this petition on the ground that the petitioner on the promise of marrying the defacto complainant, had sexual relationship with her and thereafter, he refused to marry her. He is threatening even after filing this complaint.

5.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

6.It is a case where it is alleged that the petitioner had sexual relationship with the defacto complainant on the promise of marrying her. Later, he refused to marry her. The learned counsel for the petitioner, as stated above, submitted that in the earlier complaint there is no mention about any sexual relationship. May be there is no mention about the sexual relationship in the earlier complaint. That complaint is not before this Court. There is specific mention about the sexual relationship with the defacto complainant on the promise of marriage in the present complaint.

7.It is seen that this FIR registered only on 16.06.2021. Medical examination of the accused is necessary to establish this case. Therefore, custodial interrogation of the petitioner is necessary in this case. In the said circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

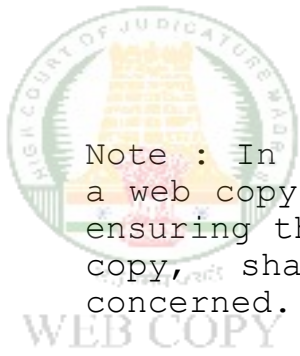
sd/-

16/07/2021

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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 Sub Inspector of Police,
All Women Police Station, Aruppukottai,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.9279 of 2021

TR/VR/SAR-I (22.07.2021) 3P 3C