



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.9839 of 2021

Tamilselvan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.
(Crime No.12/2021)

... Respondent/Complainant

For Petitioner : M/s.A.S.Rajeswari,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.12/2021 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 294(b), 417, 506(i) IPC and Section 4 TNPHW Act in Crime No.12 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was in love with the petitioner. On 31.12.2018, the petitioner had sexual relationship with the defacto complainant on promise of marrying her. Then, again he had sexual relationship with her on 02.01.2019. When she asked him about the marriage, he told that he was going to Kuwait and he would marry her, after he returned from abroad. Due to the sexual relationship, the defacto complainant got conceived and she delivered a male child on 24.12.2019. The petitioner returned to Karaikudi in March 2021. He did not come to visit the defacto complainant and her son. When she contacted him through phone, he scolded her in filthy language claiming her as a prostitute and made criminal intimidation. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is not responsible for the



pregnancy of the defacto complainant and delivery of child. Therefore, she seeks anticipatory bail to the petitioner.

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

5.This is a case where it is alleged that the petitioner had intercourse with the defacto complainant on the promise of marrying her and made her pregnant. Later, he did not marry her and left to abroad. Even after returning from abroad, he not only refused to marry her, but also castigated her as prostitute.

6.In the facts and circumstances of the case, this Court is of the considered view that medical examination of the petitioner is necessary. Investigation in this case is in preliminary stage. Necessary tests have to be taken in order to ascertain the paternity of the child. For the said purpose, custodial interrogation of the petitioner is necessary. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. 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.

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, KARAIKUDI,
SIVAGANGAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9839 of 2021

Date :26/07/2021

GNS

MK/VR/SAR.I/02.08.2021/2P/3C

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