



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

Dated: 01/09/2022

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.3648 of 2022

N.PRAVEEN

... PETITIONER/ ACCUSED No.1

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATUKKOTTAI,
THANJAVUR DISTRICT.
(IN CRIME NO.3/2022)

...RESPONDENT/COMPLAINANT

(*) 2 SURYA

...2nd RESPONDENT

(*) (R2 SUO MOTU IMPEADED AS PER
ORDER OF THIS HON'BLE COURT DATED
01/03/2022 IN CRL.OP.(MD).
NO.3648/2022 BY KMSJ)

For Petitioner : Mr.S.Malaikani, Advocate

For 1st Respondent : Mr.Thanga Aravandh.B
Government Advocate (Criminal side)

For 2nd Respondent : No appearance

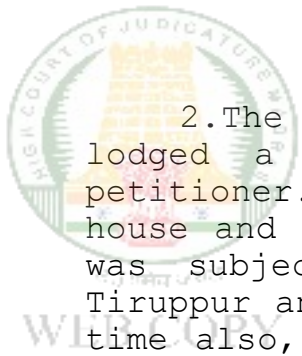
PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 417, 420, 294(b) and 506(i) IPC, in Crime No.3 of 2022 on
the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the de-facto co-accused lodged a complaint stating that she fell in love with the petitioner. During the school days, he was also used to visit the house and whenever she was found alone promising to marry her, she was subjected to sexual intercourse. Later, she was taken to Tiruppur and the petitioner was doing some work there. Even at that time also, he used to visit her and had sexual intercourse and he also made a promise to marry her. Later, when demand was made by her to marry, the accused parents refused and also criminally intimidated. There was village panchayat and compromise was made by the accused. On 26/12/2021, the accused persons came there, criminally intimidated and refused to perform marriage. On the basis of the above said occurrence, the case has been registered.

3. Seeking anticipatory bail, this petition has been filed.

4. The second respondent was impleaded to find out the issue between them. Even though she was served, failed to appear.

5. It is a case of breach of promise and sexual intercourse.

6. Now the learned counsel appearing for the petitioner would submit that even as per the allegation made in the complaint, no offence under section 420 IPC will be attracted. If at all only the breach of promise can be alleged against the petitioner, which is not an offence.

7. But reading of the complaint shows that right from the school days, he was in contact promising to marry her and she was subjected to physical contact. But later for some other reasons, the petitioner refused marriage. The reason for the refusal is not explained by him and no compromise was made. So it requires thorough investigation subjecting the medical examination of the petitioner as well as the victim. Now the investigation is not yet commenced also.

8. Since the investigation has not completed, as mentioned earlier, both of them must be subjected to medical examination. So this is not a fittest case to enlarge the petitioner on anticipatory bail.

9. In the result, this criminal original petition is **dismissed**.

sd/-

01/09/2022

/ TRUE COPY /

07/09/2022

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

ORDER

IN

CRL OP(MD) No.3648 of 2022

Date :01/09/2022

er

USK/VR/SAR-I/07.09.2022/3P/3C