



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 17/08/2022
PRESENT

The Hon'ble Mr.Justice **G. ILANGO VAN**

Crl.OP(MD)No.11196 of 2022

Umaiyanathan

... Petitioner/Accused

Vs.

State rep. By
Sub Inspector of Police,
Kadambur Police Station, Tucitorin District
Crime No.04/2022

... Respondent/Complainant

For Petitioner	: Mr.KA.Raamakrishnan, Advocate.
For Respondent	: Mr.B.Thanga Aravindah Government Advocate(Criminal side)

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

PRAYER:- For Anticipatory Bail in Crime No.04 of 2022 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 offences punishable under sections 417 and 376 IPC, in Crime No.04 of 2022 seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that she had contact with the accused person and they become lovers and he promised to marry her. On 17/01/2021, she was taken to one Govindan's house, where she was subjected to sexual intercourse forcibly. That was continued for some time. When she demanded for marriage, he refused. It is also stated that he is also going to marry some other girl. On coming to know that he is going to marry some other girl, she lodged a complaint. Hence, this case.

3.Seeking anticipatory bail, this petition has been filed by the petitioner on the ground that even as per the allegation made in the FIR, the offence under section 376 IPC may not be attracted. Now the de-facto complainant has attained majority. So there is no question of false promise and subjecting her to sexual intercourse.

4.Heard both sides.



5.By order, dated 05/07/2022, the petitioner was directed to appear before the respondent police and co-operate with the process of investigation. Hence, the matter was adjourned. Now the learned counsel appearing for the petitioner would submit the petitioner appeared before the respondent police and cooperate for completion of investigating process. Even though the medical examination was over, it appears that it has not been produced before this court. Even though, the petitioner is working in Army, the allegations are serious in nature, even though the de-facto complainant has attained majority and there is no specific allegation to the effect that she was subjected to sexual intercourse under false promise and affairs, considering the allegations made against the petitioner, he must be directed to undergo the custodial interrogation to bring out the truth.

6.Even though, the petitioner has not informed the court about the nature of the relationship that existed between himself and the de-facto complainant, considering the seriousness of the allegation, he is not entitled for the discretionary relief of anticipatory bail.

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

sd/-

17/08/2022

/ TRUE COPY /

/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 SUB INSPECTOR OF POLICE
KADAMBUR POLICE STATION, TUTICORIN DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11196 of 2022

Date :17/08/2022

ER

MK/VR/SAR.I/02.09.2022/2P/3C

<https://www.mhc.tn.gov.in/judis>