



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

Dated: 18/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)No.12326 of 2022

O.V.Saravanan

... Petitioner/Sole Accused

Vs.

State rep. By
The Inspector of Police,
All Women Police Station (South)
Thilakar Thidal,
Madurai City.

(In Crime No.28 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.Santhanam, Advocate
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.28 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused was arrested, on 06/06/2022 and remanded to judicial custody for the alleged offences punishable under sections 376, 417 and 506(i) IPC, in Crime No.28 of 2022, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that she was working as Assistant Professor in Nagarathinak Angalammal Arts and Science College. During that period, she and the accused had contact and became lovers. He has also insisted her for sexual intercourse. But she avoided stating that it can be done only after marriage. In 2019, through phone he made indecent proposal. When that was refused by her, he compelled apology. Later, they were cordial. In 2021 stating that they are going to marry, she was subjected to sexual intercourse. That was continued on 24/02/2022. She was also subjected to unnatural sexual assault. In 2022 also, he behaved indecently. She was also threatened that if she is not consented to the indecent proposal, he will marry another girl. So without any option, she was consenting it. From 2022, it started and noting their conduct, both were terminated from the employment. Now the accused refused to marry her. On the basis of the complaint, the case was registered and the accused was also arrested, on 06/06/2022 and remanded to judicial custody.



3.The learned counsel appearing for the petitioner would contend that the de-facto complainant is major, even as per the allegation made in the FIR, only it is consensual. So the offences under sections 376 and 417 IPC may not be attracted. It is further contended that because of the communal issue, both of them desirous to separate even in the month of February 2022 and thereafter, there was no contact between them. Only to extract money, this complaint has been given.

4.Heard both sides and the entire CD file has been called for and perused. The statement of the de-facto complainant has also been recorded during the course of investigation. She has also repeated the very same allegation that has been made in the complaint. Even during the course of enquiry, the accused attended, but he has stated that she was not subjected to any sexual intercourse by him. At one point of time, the accused was also ready to marry her. But later refused. The medical examination of the accused person and the victim girl has not been undertaken so far. So releasing the petitioner, at this stage, may hamper the investigation process. After the medical examination, the petitioner may revive the bail application, either before this court or the concerned court.

5.With the above said direction, this criminal original petition stands **dismissed**.

sd/-

18/07/2022

/ TRUE COPY /

/07/2022

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(SOUTH), THILAKAR THIDAL, MADURAI CITY.
- 2 THE OFFICER INCHARGE, DISTRICT CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.12326 of 2022

Date :18/07/2022

RS/PN/SAR.2 (21.07.2022) 2P-4C