



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20504 of 2022

Kalaiyarasan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station-South,
Madurai City.
Crime No.58 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Mahendrapathy S,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.58 of 2022 on the file of the Respondent Police.

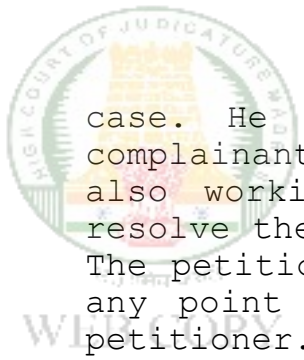
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 376(i), 313 and 506(i) IPC, in Crime No.58 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was living separately with her female child from her first husband. In such circumstances, the petitioner started to live with the defacto complainant. Due to which, she become pregnant. But, at the instigation of the petitioner, the womb was aborted. After some time, again, she become pregnant. That was also aborted in the circumstance of her life would be in danger. After discharging from the hospital, the petitioner left from the home. In spite of several attempts have been made, there was no response. Thereafter, he abused her in filthy language and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this

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



case. He would further submit that the petitioner and the complainant are already married some other persons. Both of them also working as police constable. The petitioner only tried to resolve the problem between the defacto complainant and her husband. The petitioner had any relationship with the defacto complainant at any point of time. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that the investigation is in preliminary stage, the custodial interrogation of the petitioner is necessary. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioner on this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/11/2022

/ TRUE COPY /

/12/2022
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, MADURAI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER
IN**

CRL OP(MD) No.20504 of 2022
Date :22/11/2022

DSS
SA/VR/SAR.3/01.12.2022/2P/3C

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