



Crl.O.P.No.22512 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 376 of I.P.C, in Crime No.1003 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant, daughter of Raja aged about 35 years is that the petitioner is the husband of her paternal aunty and ten months prior to the occurrence when the de-facto complainant had gone near stream to take bath, the petitioner was grazing Cattle. On seeing her, he made a false promise to marry her, had physical relationship with her and the same was not known to anybody. Thereafter, whenever the de-facto complainant's aunty was not at home, the de-facto complainant was called to petitioner's house and he forcefully had sexual intercourse with her, due to which, she became pregnant and delivered a female child. Hence the case.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner had failed to execute the sureties till now. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. The facts and circumstances of the case and the submissions made by the learned counsel on either side reveal that the petitioner had actually been granted the bail in CrI.O.P.No.12561 of 2020 on 28.08.2020 with condition to execute two sureties out of which one should be a blood surety but till now, the petitioner had not executed the



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sureties. In the meanwhile, Non-Bailable Warrant was issued by the learned Judicial Magistrate on 05.09.2023.

7. Taking into consideration the facts and circumstances of the case and Non-Bailable Warrant had been issued against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

04.10.2023

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