



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

Date : 18/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.7026 of 2023

S Surendar

... Petitioner / Accused

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.

... Respondent / Complainant

For Petitioner : Mr.Janakiramulu, Advocate.

For Intervenor : Mr.R.Velmurugan, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

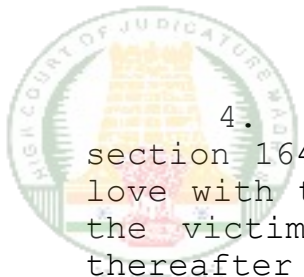
For Anticipatory Bail in Crime No. 12/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 376 and 385 of IPC in Crime No.12 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner on the false promise of marrying the victim had committed rape on her. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report and the statement of the victim recorded under section 164 of Cr.P.C.



4. A perusal of the statement of the victim recorded under section 164 of Cr.P.C reveals the fact that the petitioner fell in love with the victim girl and on the pretext of love he had dragged the victim girl to his house where he administered some drugs, thereafter the petitioner had committed rape on her. He had also videographed the same and thereafter on showing the same the petitioner had physical relationship with her on several occasions. In the meanwhile while the victim questioned about their marriage the petitioner replied that after getting marriage to her sister he will marry her. In the meanwhile the victim got married with her maternal uncle arranged by her family members. Even after their marriage again the petitioner induced the victim girl to come along with him. He also compelled her to write in the stamp paper as if the marriage was not solemnized on her interest and it was performed only compulsion and she does not have any willing for her marriage. On the instigation of the petitioner she had taken money from her house to the tune of Rs.2,40,000/- and also 13 sovereigns of gold jewels . The petitioner had dragged her to Krishnagiri and stayed there and again on threat by showing the video he had physical relationship. Thereafter on the complaint lodged by the mother of the victim the petitioner left the victim . Infact the mother of the victim has filed a Habeus Corpus Petition before this Court in HCP (MD) No.387 of 2023 and the victim was produced before this Court and she has also categorically stated that only on the instigation and compulsion by the petitioner she had gone with the petitioner. Therefore the petitioner has committed very serious and heinous offence, hence custodial interrogation of the petitioner is very much required in this case.

5. In view of the same, the petition stands dismissed.

sd/-
18/04/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NA

To

1.The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD).

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+1 CC to M/s.R.VELMURUGAN, Advocate (SR-6059[I] dated 19/04/2023)

+1 CC to M/s.V.JANAKIRAMULU, Advocate (SR-6261[I] dated 20/04/2023)

WEB COPY

ORDER

IN

CRL OP(MD) No.7026 of 2023

Date :18/04/2023

ED/BUC/SAR-4 (24/04/2023) 3P 5C