



WEB COPY



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

Date : 05/04/2023

PRESENT

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

CRL OP(MD). No.21685 of 2022

Pandi

... Petitioner/Sole Accused

Vs

1. The State represented by
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District
(Crime No. 30 of 2022).

2. The Inspector of Police,
All Women Police Station,
Theni, Theni District.

... Respondents/Complainants

(R2 is Impleaded as Per Order of the
Court Dated 15/02/2023 in CRL MP
(MD).2631/2023 in CRL OP(MD)21685 of
2022)

Dhiyasri

... Petitioner/Intervenor
in CRL MP(MD) No.2925 of 2023

For Petitioner : Mr.G.Thalaimutharasu, Advocate
for M/s.Sundar R

For Intervenor : M/s.C.R.Ponnuthai
Advocate

For Respondents : 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. 30 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 offences punishable under sections
417 and 376 of IPC in Crime No. 30 of 2022 on the file of the
respondent police, seeks anticipatory bail.



2. The case of the prosecution is that when the defacto complainant was in Chennai the accused person introduced him to the defacto complainant through phone and thereafter he had compelled the defacto complainant to love him. Despite several denial the accused compelled her and threatened her over phone to love him. Thereafter on the promise of marriage both had sexual intercourse and thereafter the accused refused to marry her, hence the case.

3. The learned counsel for the petitioner would submit that the defacto complainant suppressed the fact that she was already married and she fell in love with the petitioner. Further the petitioner has nothing to do with the alleged offence and a false complaint has been given as against the petitioner.

4. The learned counsel appearing for the defacto complainant would submit that on the pretext of marriage the petitioner had committed rape on the victim. In fact thereafter he got married the defacto complainant and refused to register the same. Further after their marriage she was brought to the quarters and introduced to all the colleagues as his wife. Immediately the petitioner got married with another lady in the presence of all, therefore she objected to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record including the First Information Report.

6. It is seen that the petitioner has committed very serious offence and therefore custodial interrogation of the petitioner is very much required in this case. That apart this matter was already referred to mediation for amicable settlement between the parties and even before the mediation the petitioner had beaten the victim, hence this Court is not inclined to grant anticipatory bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-

05/04/2023

/ TRUE COPY /

/04/2023

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

TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI, THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.C.R.PONNUTHAI, Advocate SR.No.19695 **(F)**

ORDER

IN

CRL OP(MD) No.21685 of 2022

Date :05/04/2023

SS/BUC/SAR II/11/04/2023/3P/5C