



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.02.2023
PRESENT
THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

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CRL.O.P(MD)No.22086 of 2022

Anish Paul

...Petitioner/ Accused 1

-vs-

1.The State represented by
The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.
(Cr.No. 18 of 2022)

...Respondent/Complainant

2.Jeba Litta

... Petitioner/ Intervener/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.18 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.Venkatesan

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

For Intervenor : Mr.K.Sivabalan

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 417, 376, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No. 18 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Jeba Litra, aged 22 years, is that she is doing MCA, 2nd year in PET College and that she had contacted the accused Anish Paul, who is the son of David Jacobraj, who is serving as Pastor in Zion Prayer



House and later, the first accused has informed that he is with her and since she came from very poor family, she rejected his love whereas the said Anish Paul had repeatedly called her through mobile phone to love him or else he would commit suicide and based on that, she also agreed to love him and in the initial days, they have spoken frequently and he came to the College to meet her and later he had asked her to come out and he had taken her to Kanyakumari seashore, Vattakottai seashore, Kodumudiyar and Nagercoil mall and he also hugged her and kissed her and he had compelled to have physical relationship with her and when she refused for the same on one day, he had assaulted her throughout her body and he had asked her not to raise voice and threatened her to kill her and on one day he attempted to commit rape on her and also caused injuries to her private parts and later he had struck off the social media contacts and refused to marry her. After that she had met his father, who is Pastor and her brother and they threatened her saying that she could not marry the first accused and and they refused for the marriage. Further allegation is that the first accused, his father and his family members are spreading false story against the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false and exaggerated complaint has been given against him. He would also submit that other than being in friendly terms with the defacto complainant, the petitioner has not committed any offence. He would reiterate that there is a grave delay in giving the complaint and the defacto complainant is a lady aged about 22 years and she was knowing very well the consequences of affair with the petitioner and earlier she had preferred a complaint before the All Women Police Station, Valliyoor, and enquiry was conducted in CSR No.247 of 2022 and the petitioner had appeared in person and during the enquiry, the petitioner has also stated that relationship between them is that of the sister and brother and the family members of the petitioner and the defacto complainant also attended the enquiry. The family members of the defacto complainant agreed to come after 2 days whereas they did not come back. But another complaint was given before the Office of the Deputy Superintendent of Police. Thereafter, the complaint which was pending before the All Women Police Station, Valliyoor in CSR No.247 of 2022 was closed and a fresh complaint was given. He would further submit that the petitioner is ready to appear before the respondent for the purpose of investigation and he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the as per the complaint of the defacto complainant, they are known to each other and that the accused had taken her to his house and misbehaved with her and also caused injuries in her private parts and he has also attempted to commit rape on her and he opposes to



grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor/defacto complainant would submit that the defacto complainant is aged 22 years and she used to go to the prayer house run by the father of the petitioner and during such time, the petitioner induced her and thereafter on a particular day, called her to his house when nobody was there and misbehaved with her and attempted to commit rape on her and had caused injuries on her private parts.

6. In reply, the learned counsel for the petitioner would submit that the defacto complainant has stated that the petitioner has caused serious injuries on her private parts, whereas when she had been subjected to medical examination and medical evidence does not support the same.

7. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/02/2023

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/03/2023

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

CM

To

1.Judicial Magistrate , Valliyoor, Tirunelveli District.

2.-do-Through The Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.

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

ORDER

IN

CRL OP(MD) No.22086 of 2022

Date :16/02/2023

VA/VS/SAR-II (03/03/2023) 4P 5C