



Crl.OP.No.28090 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/accused in Crime No.22 of 2023 registered by the respondent police for the offences punishable under Sections 376, 354C, 354D, 509, 506(2) of IPC seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant, was physically assaulted by the petitioner.

3. It is the claim of the petitioner that the petitioner and the defacto complainant had consensual relationship. The petitioner was a bus driver in a College where the defacto complainant was a student. It is stated that under threat, sexual assault was carried on the body of the defacto complainant.



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4. Learned counsel for the petitioner stated that a marriage had taken place. It has been stated that the marriage had taken place in a specific Marriage Hall at No.37/28, G.N.Chetty Road, T.Nagar, Chennai-600 107. The name of the Hall was also given as Blossom Banquet Hall.

5. A specific report has been filed by the Inspector of Police that on personal verification, there is no such hall in that particular address and this was also verified with the Revenue Inspector, Zone-9, Nungambakkam, Chennai. Thus, the claim of the petitioner that he was married to the defacto complainant in that particular hall, cannot be taken as a true fact stated.

6. The learned counsel for the petitioner stated that there was no threat extended and that the defacto complainant had also written letters and there were also photographs to show that they were in voluntary relationship with each other.



7. These are aspects to be examined during the course of trial.

There are two versions are given one by the defacto complainant that she was under constant threat and the other by the petitioner herein that the entire relationship was consensual. The offences involved are quite serious namely bordering on 376, 354C and 354D of IPC. Naturally, interrogation of the petitioner is required to determine the commission of an offence under Section 376 IPC. Medical examination is also required. The petitioner had also filed I.D.O.P.No.3075 of 2023 which is now pending before the 1st Additional Family Court at Chennai seeking dissolution of marriage. But, when doubts are raised about the marriage ceremony which had been conducted and about the factum of marriage, then the issues will have to be examined further deeply by the Investigating Officer.

8. Learned counsel for the petitioner also forwarded an additional typed set of papers enclosing photos of the petitioner and the defacto complainant. They are all aspects which which will have to pass the tests of admissibility, credibility and also must be relevant to the facts



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of the case. They are not required to be examined at this point of time.

The offence staves in the face of the petitioner herein. I am not inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this Criminal Original Petition is dismissed.

Vv

05.03.2024

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