



CRL OP(MD) No.4160 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4160 of 2024

SUNDARAM

... PETITIONER/SOLE ACCUSED

Vs

THE SPECIAL SUB INSPECTOR OF POLICE,
AWPS - THIRUPARANKUNDRAM,
MADURAI.

CR NO. 26/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.RAJESHKUMAR, Advocate

For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 26 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 498(A) and 506(i) of IPC in Crime No.26 of 2023,
seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant



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are the husband and wife and their marriage was solemnized on 01.09.2021 in the presence of their respective family members. Thereafter, the defacto complainant started to live with her husband in his house. Subsequently, there was matrimonial dispute between them. Thereby, the defacto complainant lodged a complaint before the All Women Police Station, Bavani. At that time of enquiry, there was compromise between them. On the same day, the defacto complainant returned to her matrimonial home and subsequently, she was sexually assaulted by the petitioner and in the result, the defacto complainant underwent heavy blood flow and she was admitted in the hospital. Thereby, the complaint.

3.The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, he would submit that there is no serious allegation made against the petitioner. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that due to the sexual assault made by the petitioner, the defacto complainant suffered from heavy blood flow. An earlier anticipatory bail application filed by the petitioner was dismissed by this Court on 23.01.2024 and without any change in circumstance, the present petition has been filed. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the



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serious* allegations levelled against the petitioner and there is no change in
circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/03/2024

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/03/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE SPECIAL SUB INSPECTOR OF POLICE,
AWPS - THIRUPARANKUNDRAM, MADURAI.

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

ORDER
IN

CRL OP(MD) No.4160 of 2024
Date :20/03/2024

RS/GS/SAR-(25.03.2024) 3P 3C
Madurai Bench of Madras High Court is issuing
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