



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

Wednesday, the Twenty Fifth day of March Two Thousand Fifteen

WEB COPY

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.22439 of 2014

SENTHILKUMAR

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OTTANCHATHIRAM,
DINDIGUL DISTRICT.
CRIME NO.19/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.JAMEEL ARASU, Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 376, 417 and 506(i) of IPC in Crime No.19 of 2014, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

3. On 12.01.2015, this Court passed the following order:

"The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 376, 417 and 506(i) I.P.C in Crime No.19 of 2014, seeks anticipatory bail.

2.On 08.01.2015, this Court had passed the following order:

"It is seen from the FIR that this petitioner was having an affair with the defacto complainant, who is already a married lady and had got separated from her husband. The defacto complainant in the complaint stated that she got conceived through this petitioner and she also delivered a girl child. Now the paternity of the child has to be determined.



Under such circumstances, the learned counsel for the petitioner seeks adjournment to get instructions from his client.

3. On 09.01.2015, this Court passed the following order:

"Mr. B. Jameel Arasu, learned counsel for the petitioner on instruction from his client states that his client Senthilkumar is ready to undergo DNA test for finding out the paternity of the child born to the defacto complainant.

The petitioner is directed to file an affidavit to that effect before this Court.

The IO is present. Post 'for orders' on 12.01.2015."

4. Today, the petitioner has filed an affidavit before this Court, wherein he has stated as follows:

"4. I submit that after registration of the above criminal case, I have filed above criminal original petition for grant of anticipatory bail for apprehending arrest at the hand of the respondent police on the basis of false complaint given by the defacto complainant. In these circumstances, now, I ready to give undertaking before this Hon'ble Court for consent of conducting DNA test. Even now I am ready for DNA test this Hon'ble Court will be given direction if any."

5. In view of the undertaking, I am of the view that the petitioner could be enlarged on interim anticipatory bail upto 02.02.2015. Accordingly, the petitioner is ordered to be released on interim anticipatory bail till 02.02.2015 in the event of arrest or his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ottanchathiram, Dindigul District, on condition that the petitioner shall execute a 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.



6. The respondent police shall take the petitioner and the child for DNA extraction. The petitioner shall deposit a sum of Rs.15,000/- towards expenses for DNA before the concerned authorities. Police shall file a status report on 02.02.2015. "

4. Pursuant to the orders passed by this Court, the petitioner, the defacto complainant and her child were subjected to D.N.A profiling and today the learned Government Advocate (Crl. Side) has produced a copy of the D.N.A test report, dated 05.03.2015. In which, the conclusion is as follows:

"Conclusion: From the DNA typing results of the above blood samples, it is found that in the absence of identical twins Mr. Senthilkumar is the biological father of the female child."

5. From the above, it is clear that the petitioner is the father of the female child born to Mrs. Pasupathi.

6. In view of the finding of the D.N.A test, interim anticipatory bail already granted to the petitioner shall stand cancelled and this Criminal Original Petition is dismissed.

sd/-

25/03/2015

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, OTTANCHATHIRAM, DINDIGUL DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP (MD) No.22439 of 2014
Date : 25/03/2015

msm 30.03.2015 p3/3c