



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

Wednesday, the First day of April Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.5343 of 2015

1 JOHN KOILRAJ

2 PERUNKOTTUR SELVI ... PETITIONERS/ACCUSED NO.1 & 2

Vs

THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.
CRIME NO.509/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SARAVANAN Advocate

For Respondent : MR.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 the alleged offences punishable under Sections 147, 341, 406, 417, 201 and 506(i) I.P.C. and Section 4 of TNPWH Act in Crime No. 509 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side).

3. On 25.03.2015, this Court passed the following order:

"Heard the learned counsel for the petitioner and the learned Government Advocate (crl. side).

2. The defacto complainant is one Savariammal. According to Savariammal, she got married to the petitioner viz., John Koilraj some times in the year 2000 and through wedlock she has two children by name Isaac Selvin aged about 11 years and Rooth aged about 9 years. It is alleged by Savariammal that the petitioner abandoned her and deliberately neglected to take care of her. After finding out about his whereabouts, Savariammal filed Domestic Violence Proceedings in D.V.O.P.No.10 of 2013 against this petitioner, in which, the petitioner filed a counter stating that he has already married to one Selvi (A2) and that has four children to her and that he had not cohabited with Savariammal at all. In the DVOP proceedings, the petitioner has mentioned that he had obtained a decree in O.S.No.14 of 2011 against Savariammal for a declaration that she is not a legally wedded wife. According to Savariammal, she came to know about all these only after going through the counter filed by the petitioner in DVOP proceedings. Therefore, she lodged the present complaint, in which, she has stated that even the decree that was obtained in O.S.14 of 2011 was in his favour is fraud, inasmuch as she has been shown exparte and further, she came to know that the petitioner had and got four children through her, which were all suppressed by the petitioner.



3. The learned counsel for the petitioner submits that the petitioner is a professor in Madurai Kamaraj University and his wife Selvi is also an Assistant Professor in that University and that the petitioner did not live with Savariammal as alleged by her and the child are not born through him.

4. If that is so, the petitioner John Koilraj must come forward to undergo DNA test.

5. The learned counsel for the petitioner seeks time to get instructions from his client.

6. Call the matter on 30.03.2015 'for orders'. If the petitioner John Koilraj is agreeable for DNA test, he shall file an undertaking affidavit before this Court.

4. On 30.03.2015, this Court passed the following order:

" On 25.03.2015, this Court passed a detailed order in which it called upon the first petitioner to file an affidavit agreeing to undergo DNA test, if he disputes the parentage of Isaac Selvin and Rooth, the two children born to Savariammal / defacto complainant.

2. Today, when the matter was taken up for hearing, learned Counsel for the petitioners has very fairly submitted that he has had discussion with his client and his client is not disputing the parentage of Isaac Selvin and Rooth.

3. If that is so, the first petitioner shall file an affidavit to that effect and also state in the affidavit whether he has made any provision for maintenance of his children.

List this matter on 01.04.2015 "For Orders".

5. Today, when the matter was taken up, it is seen that the petitioner has not chosen to file an affidavit as undertaken by him on 30.03.2015. In view of the above, this Court has no other option, except to dismiss this petition.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
01/04/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.

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

SR : 15.04.2015 : 2P/3C

ORDER
IN
CRL OP(MD) No.5343 of 2015
Date :01/04/2015