

cannot be gone into in a petition under Section 482 Cr.P.C.

6. In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petitions are closed.

7. At this juncture, learned counsel for the accused submitted that, the petitioner is a lecturer in Mumbai and her presence before the trial Court may be dispensed with.

8. Accepting the said submission, the petitioner is directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and on such surrender, she shall be released on bail on the same day u/s 436 Cr.P.C. on she furnishing a bond for Rs.10,000/- [Rupees ten thousand only] with two local sureties for a like sum and thereafter, her presence before the trial Court shall be dispensed with on condition that she shall be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313, Cr.P.C. and at the time of passing judgment. She shall file an affidavit of undertaking before the Trial Court that she will not dispute her identity and that the counsel named by her in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab, [2015 (1) MLJ (Crl.) 288]. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence and remand her to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If thereafter the petitioner absconds, the trial Court shall direct registration of an FIR against her u/s 229-A IPC.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms

To

1. Metropolitan Magistrate,
FTC-II, Allikulam at Chennai

2. -do-Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S. Palani Velayutham, Advocate SR.622572

Crl.O.P. No.23628 of 2016

GJ(CO)

EU 25.11.16

<https://hcservices.ecourts.gov.in/hcservices/>