



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

Monday, the Twentieth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.5524 of 2016

M. DEEPU

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
AWPS KUZHITHURAI,
CRIME NO. 08 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.TITUS Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

For Intervenor : Mr.K.P.Narayanakumar, Advocate

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

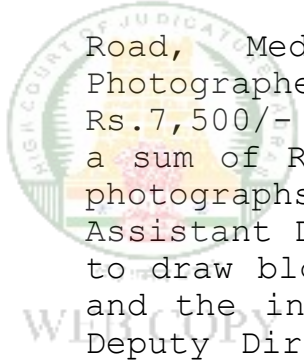
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 376, 417, 294(b) and 506(ii) of I.P.C., and Section 4 of D.P. Act., in Crime No.8 of 2016, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that de-facto complainant and the petitioner / A1 - Deepu were in love and on the promise of marriage, the petitioner / A1 had sexual intercourse with her, on account of which, she delivered a male child on 11.02.2015 and the petitioner is repudiating the relationship.

3. I have heard the learned counsel appearing for the parties.

4. It is seen that the case in Crime No.8 of 2016 has been registered pursuant to directions issued by the learned Judicial Magistrate No.I, Kuzhithurai, under Section 156(3) Cr.P.C. This Court, by order dated 31.03.2016, granted interim bail to the petitioner and directed the respondent police to take the petitioner and the de-facto complainant and the infant before the Assistant Director of Regional Forensic Science Laboratory, Collector's Office



Road, Medical College Campus, Madurai, along with Police Photographer and further directed the petitioner to pay a sum of Rs.7,500/- towards fees for D.N.A. Test and also directed him to pay a sum of Rs.1,000/- towards charges to the Photographer for taking photographs and giving prints and this Court, further directed the Assistant Director of Regional Forensic Science Laboratory, Madurai, to draw blood samples from the petitioner, the de-facto complainant and the infant, for the purpose of D.N.A. Test. Accordingly, the Deputy Director of Regional Forensic Science Laboratory, Madurai, has sent D.N.A. Test Report to the Registrar (Judicial) of this Court, wherein it has been stated that the petitioner is the biological father of the male child, viz., Aswin Dev.

5. When the matter was taken up for hearing on 10.06.2016, the petitioner agreed to marry the de-facto complainant and accepted his male child and sought time till 20.06.2016, to report before this Court with regard to marriage and registration of the marriage. Today, when the matter is taken up for hearing, the petitioner and the de-facto complainant are present before this Court and submitted that they were settled the matter amicably and living together. They further submitted that they have applied to Sub-Registrar, Palugal, Vilavancode Taluk, Kanyakumari District, for registering the marriage on 13.06.2016.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/06/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
AWPS KUZHITHURAI, KANYAKUMARI DISTRICT.

+1. CC to M/S S.TITUS Advocate SR.No.32033

smn2

JM/SK-SKN/SAR-III/22.06.2016/3P-6C

ORDER

IN

CRL OP (MD) No.5524 of 2016

Date :20/06/2016