



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1905 of 2019

P.MAREESWARAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
CRIME NO.25/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MRS.LAKSHMI GOPINATHAN, Advocate
for M/S.POLAX LEGAL SOLUTIONS

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

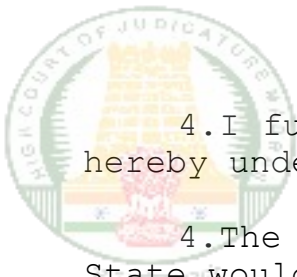
ORDER : The Court Made the following order :-

The petitioner / sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 376 and 506 (i) IPC in Crime No.25 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner misbehaved and raped the defacto complainant on 24.05.2018 at his house, because of which, the defacto complainant is pregnant at the advance stage. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the allegation levelled against the petitioner is false. Further, the learned counsel for the petitioner would submit that the petitioner is ready to cooperate for conducting DNA test. In that regard, he filed an undertaking affidavit. Accordingly, the petitioner prayed for bail and the learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court. The relevant portion of the undertaking given by the petitioner is as follows:

3.I submit that I have not done any offence as alleged in the complaint and to prove the same, I am ready and willing to subject myself for DNA test.



4.I further submit that if the DNA test is proved against me, I hereby undertake to marry the defacto complainant Ms.Anbuselvi.

4.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and in view of the undertaking affidavit filed by the petitioner, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputtur, 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC;

(g) the respondent police is directed to take necessary steps to conduct the DNA test to the petitioner and complete the same within a period of six months from the date of receipt of a copy of this order and the petitioner is directed to co operate for conducting the DNA test, failing which, the anticipatory bail granted to the petitioner shall stand vacated automatically.

sd/-

07/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.POLEX LEGAL SOLUTIONS, Advocate SR-2646

ORDER

IN

CRL OP(MD) No.1905 of 2019

Date :07/02/2019

JM/JC/SAR 1/13.02.2019/3P/6C