



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

Wednesday, the Tenth day of April Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.5377 of 2019

SATHIYARAJ

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
KURANGANI POLICE STATION,  
THENI DISTRICT  
Crime No.09/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.AK.AZAGARSAMI Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

**ORDER :** The Court Made the following order :-

The petitioner who was arrested and remanded into the judicial custody from 05.02.2019 for the offence under Sections 5 (I) (ii), 5 (n), 6 of POSCO Act, in Cr.No.9 of 2019 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that petitioner is the younger paternal uncle's son of the defacto complainant victim girl. The defacto complainant alleged that she loved with the petitioner and had physical relationship with him and gave birth one female child. But, since the petitioner refused their relationship, the complaint has been lodged before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that after the arrest of the petitioner, the Law Enforcing Agency sent the samples for DNA Test and the Report dated 28.02.2019 has been received, in which, the Assistant Director and Scientific Officer and Deputy Director and Assistant Chemical Examiner to Government, Regional Forensic Science Lab., Madurai signed and in which it is clearly stated that the Sathiyaraj is not the Biological father of the child.



4.The learned Additional Public Prosecutor appearing for the State has also not objected the same.

5.Considering the facts and circumstances of the case and the DNA report filed by the petitioner and considering the period of incarceration, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Theni, and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the 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 as and when required for interrogation;

(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 petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
10/04/2019

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



TO

1. THE JUDGE,  
FAST TRACK MAHILA COURT, THENI.

2. THE INSPECTOR OF POLICE  
KURANGANI POLICE STATION,  
THENI DISTRICT.

3. THE OFFICER INCHARGE,  
SUB JAIL, UTHAMAPALAYAM.

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

+1. CC to Mr.AK.AZAGARSAMI Advocate SR.No.6463

ORDER

IN

CRL OP(MD) No.5377 of 2019

Date :10/04/2019

TK/MMS/SAR-2/10.04.2019/3P/6C