

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Eighteenth day of March Two Thousand Twenty  
PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.3012 of 2020

1 AJAY DAVID  
2 DAVID KICHAPALLI

[ PETITIONERS / ACCUSED ]

Vs

STATE REP.BY  
INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
(\*) PERUR,  
COIMBATORE, COIMBATORE DISTRICT.  
CR.NO.2 OF 2020.

[ RESPONDENT ]

For Petitioner : M/S.K.BALASUBRAMANIAM Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for alleged offences punishable under sections 376(1), 294(b) and 506(ii) of IPC in Cr.No.2/2020, the petitioners have come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the defacto complainant, by name Ambuli is a costume designer in Malayalam Film Industry whereas the 1<sup>st</sup> petitioner is a Cameraman in the Cine Industry. In this context, it is alleged that the 1<sup>st</sup> petitioner used to visit the house of the defacto complainant who is 7 years elder to him and impregnated her.

3. The learned Counsel for the petitioners submitted that the offence alleged against the petitioners are not correct because the defacto complainant is not only a divorcee but also remarried and living with her second husband in Tiruppur. However, the accused are prepared to undergo DNA Test at any place fixed by the respondent police.

4. The learned Additional Public Prosecutor submitted that on the last occasion, when the matter was taken up, this Court has asked the petitioners to make themselves ready to undergo DNA test and the same was also accepted by the petitioners. Therefore, after the procedure is completed, the respondent shall proceed further in this matter.

5. Having regard to the nature of the allegation levelled against the petitioners and more particularly, the fact that the petitioners are ready to co-operate with the investigation, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila Court at Magistrate Level, Coimbatore on each of them 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police for interrogation as and when required.

-sd/-  
18/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

**(\*) Amended as per order of the Court dated 26/02/2020 made in Crl.MP.No.2493/2020 in Crl.OP.No.3012/2020 The Hon'ble Mr Justice N.SESHASAYEE**

TO

1 THE ADDITIONAL MAHILA COURT AT  
MAGISTRATE LEVEL, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,  
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
PERUR,  
COIMBATORE, COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges SR.No.5313

CRL OP.3012/2020

Date :18/03/2020