

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11578 of 2020

Annadurai

... Petitioner

Vs.

The State Represented by,

The Inspector of Police,

All Women Police Station,

Cheyar, Thiruvannamalai District.

(Crime No.5/2020).

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.5 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 417, 323, 376 and 506(1) of IPC, in Crime No.5 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 had love affair with the defacto complainant and also had physical intercourse with her on the promise to marry her, due to which she became pregnant. Thereafter, the petitioner/father of A1 resisted the marriage and also threatened her. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the petitioner is

the father of A1 and that he was not aware of the relationship between his son of the defacto complainant. He would further submit that to show his bonafide the petitioner without prejudice to his defence is ready to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of crime No.5 of 2020 and that subject to the outcome of the DNA result he has no objection in the amount being disbursed to the defacto complainant if the DNA result confirms that A1/his son is the father of the child. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that A1 had cheated the defacto complainant by having physical intercourse with her on the promise to marry her, due to which she became pregnant. The petitioner being the father of A1 had resisted the marriage and intimidated the defacto complainant and assaulted her. He would further submit that the respondent is yet to receive the result of the DNA test.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate, Cheyyar, Tiruvannamalai District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.5 of 2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready. This amount shall be disbursed to the defacto complainant if the DNA result proves that A1 is the father of the child.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 petitioners 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
12/08/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.11578/2020
Date :12/08/2020

GKS:16/09/2020