



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.2165 of 2020

Maniprabhu

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Dindigul, Dindigul District.

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 10.01.2020 for the offences under Sections 5(I), 5(J)(ii), 5(n) and 6 of Protection of Children from Sexual Offences Act and Section 506(i) of I.P.C., in Crime No.1 of 2020 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner is said to have had sexual intimacy with the victim. The victim alleges that apart from the petitioner one Tamilarasan also had sexual relationship with her. The fact remains that the victim became pregnant and also delivered a child recently. The petitioner is not sure as to whether he has authored the same. Therefore, the petitioner has to be put on terms subject to the result of the DNA test. The prosecution states that the DNA profile had already been taken and they are awaiting the results. Till the



report is filed, the petitioner undertakes to pay a sum of Rs.3,000/- per month by depositing the same in the bank account of the victim. This will be a non refundable payment. If the DNA test affirms that the petitioner is the father of the child, the condition now fastened on the petitioner will become absolute. If the DNA test is in favour of the petitioner, the petitioner need not make any further payment.

4. Subject to this condition, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 Fast Track Mahila Court, Dindigul District.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
07/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL DISTRICT.
 2. THE OFFICER INCHARGE, DISTRICT JAIL,
DINDIGUL DISTRICT.
 3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.ANAND, Advocate (SR-2560[I] dated 07/02/2020)

ORDER IN
CRL OP(MD) No.2165 of 2020
Date :07/02/2020