

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12952 of 2020

1 M.MURALI
2 M.CHIRANJEEVI
3 M.SARATH KUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUMMIDIPOONDI,
THIRUVALLUR.
CR.NO.4/2020

For Petitioner : M/S.V.RAMAMURTHY Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

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

ORDER : The Court Made the following order :-

This Court by an order dated 15.12.2020 granted Interim anticipatory bail to the petitioners subject to certain conditions and the petitioners have to file an affidavit of undertaking before this Court. Earlier occasion, the petitioners have filed an affidavit of undertaking before this Court stating that the purpose of DNA sample was collected from the main accused and the victim girl new born child and if the DNA tests prove that the petitioner's brother is responsible for the birth of the child, the petitioners are ready to settle the property to the new born child and the petitioner's brother also expressed his willingness to marry the victim girl after completing the age of 18 years,.

2. The learned counsel for the petitioners submit that DNA test was completed and the report shows that the petitioner's brother is responsible for the pregnancy and the petitioners are ready to settle 4 cents in favour of the child and agreed to conduct the marriage between the victim girl with his brother after attaining majority by the victim and it is stated in the affidavit in para (5) is extracted here under:-

'5.I Submit that the prosecution has now proposed to collect our brother DNA sample to ascertain the parentage of the child. In case of the result showing in someone is father of the child and not my brother even then I agreed to settle 3 cents in favour of the new born child of the victim. If it is proved that my brother is father of the child 4 cents will be settled in favour of the child. In case parentage is proved my brother will married that victim girl after completing the age of 18 years.'

3. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

4. In view of the above submissions, the interim anticipatory bail already granted to the petitioners by order dated 15.10.2020 is made absolute. Further, there is no need to furnish fresh surety and the surety already offered shall continue and the petitioners are directed to report before the respondent police as and when required for interrogation. Further, the petitioners shall execute the settlement of the said property in favour of the child within a period of four weeks from the date of receipt of a copy of this order. Post for compliance 02.06.2021.

-sd/-

17/04/2021

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUMMIDIPOONDI,
THIRUVALLUR.

+2 CC to M/S.V.RAMAMURTHY Advocate on payment of necessary charges
SR.No.4913

CRL OP.12952/2020

Date :17/04/2021

cs 29/04/2021



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