



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8440 of 2022

K.Sadaiyan @ Dhavidu Vinoth

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Gingee,
Villupuram District.
(Crime No.13 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.13 of 2022, on the file of the Inspector of Police, All Women Police Station, Gingee, Villupuram District.

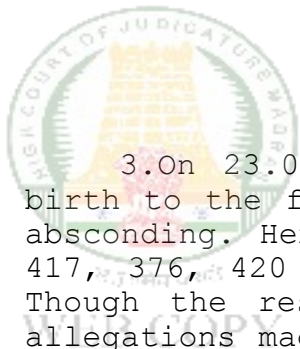
For Petitioner : Mr.B.Annamalai

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested for the alleged offences under Sections 417, 376, 420 and 506(1) of IPC in Crime No.13 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner, who was taken into judicial custody on 12.03.2022 based on the complaint given by one Shanthi aged 48 years alleged that the petitioner has enticed her daughter aged 27 years and impregnated her on a false promise to marry, but he failed to marry her daughter.



3. On 23.02.2022, the de facto complainant's daughter has given birth to the female child. The petitioner and his family members are absconding. Hence a complaint for the alleged offence under Sections 417, 376, 420 and 506(1) of IPC registered in Crime No.13 of 2022. Though the respondent police arrested the petitioner based on the allegations made in the FIR, it appears that till date they have not even collected the sample for DNA test to ascertain the paternity of the child which will prove the allegations made in the FIR.

4. The learned counsel for the petitioner specifically submitted that the petitioner has insisted the Investigating Officer to collect the sample for DNA, which will establish his innocence, they have not done till date.

5. Taking note of the above fact, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vikravandi;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the Investigating Officer as and when required;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
12/04/2022

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,
VIKRAVANDI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. B.ANNAMALAI Advocate on payment of necessary charges SR.NO.5573

CRL OP.8440/2022

Date :12/04/2022

JPA 12/04/2022