



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25541 of 2022

Anbarasan

.. Petitioner

Vs.

State represented by
The Inspector of Police
W-21 Guindy, All Women Police Station,
Chennai District.
Crime No.06 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.06 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 376 of IPC, in Crime No.06 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a love affair between the petitioner and the defacto complainant. It is alleged that on the pretext of marrying the defacto complainant, the petitioner performed sexual intercourse with her thereby, she became pregnant and gave birth to a male child. It is further alleged that the petitioner refused to marry the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioner.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is employed as Armed Reserved Police recently and he is in training period and they both were separated in the year 2018. He also submits that the defacto complainant Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that earlier they both were in live-in relationship and now the defacto complainant gave birth to a male child. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. This Court perused the 164 statement and on perusal, it reveals that the defacto complainant issued a notice to the petitioner in the month of June 2020 requesting the petitioner to marry her. However, she has not disclosed the fact about her pregnancy in the notice.

6. Considering the facts and circumstances of the case, he being police, no possibility of absconding, his Court is inclined to grant anticipatory bail to the petitioner with a condition that the **petitioner has to participate for Medical Examinations(DNA test) if the trial Court directs.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **IX Metropolitan Magistrate, Saidapet** on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 Court concerned 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 daily at 5.00.p.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 has been imposed and the petitioner is 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]**; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
10/01/2022

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 METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-21, GUINDY, ALL WOMEN POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.V.CHELLAMMAL Advocate on payment of necessary charges SR.NO.497

CRL OP.25541/2021

Date :10/01/2022

TA-20/01/2022