



Crl.O.P.No.24866 of 2022

Crl.O.P.No.24866 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376 & 417 of IPC in Crime No.19 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Malaivathi is that she is studying first year LLB in Tiruvallur Dr.Ambedkar Government Law College and that she was having friendship with the petitioner, namely Gokulnath for the past four years and later, it developed into love and they used to be physically close. While so, on 17.04.2022, the petitioner on the promise of marrying her, had sexual intercourse with her and thereafter, he had disconnected the relationship with the *de-facto* complainant. Thereafter, she became pregnant and she had been attempting to contact the petitioner and he has been avoiding the *de-facto* complainant. Hence, the complaint.



Crl.O.P.No.24866 of 2022

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is a law graduate and the *de-facto* complainant is his college mate. Both of them are grown up adults and they were having close relationship. Later coming to know that the *de-facto* complainant was having close relationship with many other persons, he had severed the relationship much earlier and thereafter, there was no contact between them. Later, the petitioner came to understand that she got conceived and had now blamed that the petitioner is responsible for her pregnancy. However, he would submit that to prove his innocence, the petitioner is ready to undergo a DNA test and he has filed an affidavit dated 31.10.2022 undertaking that he is ready to appear before the respondent police and give blood samples for DNA test and in the event of the DNA test, proving that the petitioner is responsible for the pregnancy, the petitioner is ready and willing to marry the *de-facto* complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner has induced the *de-facto* complainant on the false promise of marrying her and committed sexual



CrI.O.P.No.24866 of 2022

WEB COPY

intercourse with her, due to which, she has become pregnant and now, he has severed the relationship and is refusing to marry the *de-facto* complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that the petitioner and *de-facto* complainant are known to each other. He would also submit the petitioner on the false promise of marrying the *de-facto* complainant had induced her and had sexual intercourse on 17.04.2022, due to which, the *de-facto* complainant became pregnant. Now, the petitioner is avoiding her and making false allegation as if the *de-facto* complainant was having relationship with other persons. He would further submit that the petitioner is the person, who is responsible for her pregnancy.

6. Heard the learned counsels and perused the materials available on record including the affidavit of undertaking filed by the petitioner.



CrI.O.P.No.24866 of 2022

WEB COPY

7.Taking into consideration the facts and circumstances of the case and the affidavit filed by the petitioner undertaking that he is ready to co-operate with the respondent police for investigation by furnishing his DNA samples to prove his innocence and that he is ready and willing to marry the *de-facto* complainant, in the event of the DNA test, proving that the petitioner is responsible for the pregnancy, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and the affidavit dated 31.10.2022 filed by the petitioner shall form part of the Court records.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Additional Sessions Judge cum Magalir Neethi Mandram, Villupuram**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



Crl.O.P.No.24866 of 2022

WEB COPY

concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner, on any date fixed by the respondent police shall appear before the concerned authorities and furnish his blood and other samples for conducting the DNA test.

[b] 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.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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.



WEB COPY



Crl.O.P.No.24866 of 2022

A.D.JAGADISH CHANDIRA, J.

sp

[f] 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]**.

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

sp

15.11.2022
(2/2)

Crl.O.P.No.24866 of 2022
(2/2)