



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.8051 of 2022

Selvaraj

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Aranthangi All Women Police Station,
Pudukkottai District.

(*)Crime No.04 of 2015

... Respondent/Complainant

For Petitioner : Mr.B.FAZIL KIRMANI
Advocate

For Respondent : Mr.R.M.S.SETHURAMAN
Additional Public Prosecutor

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

PRAYER :- For bail in **(*)Crime No.04 of 2015** on the file of the Respondent police.

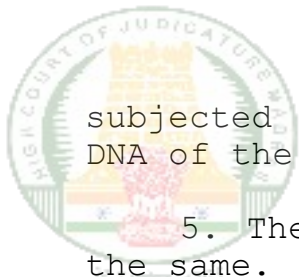
ORDER : The Court made the following order :-

The petitioner, who was arrested on 11.01.2021, for the offence punishable under Sections 417, 420, 376(2)h of IPC and 5(1), 5(j)(ii) r/w. 6 of Protection of Child from Sexual Offence Act, in **(*)Crime No.04 of 2015** , on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner who is the second husband of the victim's mother and four others have misused the minor victim girl. Hence, the complaint.

3. This is the second bail application. The first bail application filed in Crl.O.P.(MD)No.12579 of 2021 was dismissed by this Court by order dated 03.09.2021, on the ground that the petitioner, who is the second husband of the defacto complainant, has misused the daughter of the defacto complainant, who is aged about 14 years and the victim girl gave birth to a child.

4. The learned counsel appearing for the petitioner submits that during the course of investigation, the petitioner was



subjected to DNA test and the result of the DNA test revealed at DNA of the child does not match with the DNA of the petitioner.

5. The learned Additional Public Prosecutor has also confirmed the same.

6. Considering the fact that the DNA of the child does not match with the DNA of the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing 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 learned Sessions Judge, Mahila Court, Pudukkottai, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 as and when required for interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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.

sd/-

28/04/2022

**(*)Amended as per order of this Court
dated 27.06.2022 in CRL MP(MD)
No.6659/2022 in CRL OP(MD) No.8051/2022.**

**Further time is also extended for 15
days, from the date of receipt of a copy
of this order.**

/ TRUE COPY /

29/04/2022

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

To be substituted with the order dated 28.04.2022 already despatched

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE,
ARANTHANGI ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8051 of 2022

Date :28/04/2022

SA/JM/SAR.2/29.04.2022/3P/5C
MK/VR/SAR.I/11.07.2022/3P/5C