



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2022

PRESENT

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The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21244 of 2022

Anbu @ Anbuselvam

... Petitioner/ Sole Accused

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.
Crime No.12 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil D, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.12 of 2022 on the file of the Respondent Police.

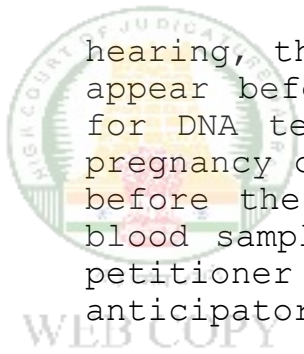
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 420, 376(1) of I.P.C, in Crime No.12 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/victim viz., Suganya is that the accused is known to her and she was in love with the accused, for the past two years. On giving a false promise to marry her, the accused had sexual intercourse with her. As a result, she became pregnant and delivered a child, which also died immediately, after the birth. Later, the accused refused to marry her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are grown up adults and they were well aware of the consequences of the affair between them. Moreover, the petitioner did not give any promise or assurance to marry her. Earlier on 01.12.2022, when the matter was taken up for

<https://www.mhc.tn.gov.in/judis>



hearing, this Court granted interim protection to the petitioner to appear before the respondent Police and furnish the blood samples for DNA test, to confirm whether the petitioner is the cause for pregnancy of the victim. Pursuant to which, the petitioner appeared before the Medical College Hospital, Pudukottai and also gave the blood samples for DNA test. Hence, custodial interrogation of the petitioner may not be required further and prays to release him on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner had sexual intercourse with the victim, on giving a false promise to marry her. As a result, the victim got pregnant and delivered a child, who was died immediately after the birth. The samples from the fetus and the petitioner were taken for DNA test. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has also given blood samples for DNA test and co-operated with the investigating agency, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thirumayam**, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 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;

[c] the petitioner shall not tamper with the 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 have been imposed and the petitioner released on bail by



the learned Magistrate/Trial Court himself as laid down in the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2018) 10 SCW 5560]**; and;
[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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sd/-
08/12/2022

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.SENTHIL, Advocate (SR-14577[I] dated 09/12/2022)

ORDER
IN
CRL OP(MD) No.21244 of 2022
Date :08/12/2022

PNM
MK/SSS/SAR 3/19.12.2022/3P/6C