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Crl.O.P.No.9460 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.9460 of 2023

Praveenkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station
Kancheepuram District.

(Crime No.12 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.12 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2023, for the offences punishable under Sections 417, 420 @ 376 of IPC, in Crime No.12 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/victim, Nivetha, aged about 22 years, is that she and the accused were loving each other for the past four years and the accused, on the false promise of marrying the victim, had sexual intercourse with her, due to which, she became pregnant and when she had informed the same to the petitioner, he along with his relatives had compelled her to abort it. Thereafter, when the victim asked the accused to marry her, he refused to marry her stating that he is not responsible for her pregnancy. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



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case. He also submitted that the petitioner is not responsible for the pregnancy of the victim and he further submitted that in an event of the respondent seeking for blood samples of the petitioner for conducting DNA test, the petitioner is ready to furnish the same and in the event of proving that the petitioner is the reason for her pregnancy, he is ready to marry the victim. He further submitted that the petitioner is in custody from 30.03.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had induced the de-facto complainant on the false promise of marrying her, had a sexual intercourse with her, due to which, she become pregnant and later, compelled her to abort the same. He also submitted that further the petitioner refused to marry the victim and also stating that he is not responsible for her pregnancy. He further submitted that the investigation in this case is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. In reply, the learned Counsel for the petitioner reiterated that the petitioner undertakes that in an event of the respondent seeking blood samples of the petitioner for conducting DNA test, the petitioner is ready to furnish the same and if it is proved that the petitioner is responsible for the pregnancy of the victim, he is ready to marry her. Thereby, he prayed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner, intervener and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner and also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions. with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five**



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thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Kancheepuram**, and on further conditions that:

[a] 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., until further orders;

[c] the petitioner after coming out of bail, shall file an Affidavit of Undertaking within a period of one week, stating that in the event of the respondent seeking for blood samples of the petitioner for DNA test, the petitioner is ready to furnish the same and in case of proving the paternity, he is ready to marry the victim;

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

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

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.04.2023

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To

1. The Judicial Magistrate No.II, Kancheepuram
2. The Inspector of Police,
All Women Police Station,
Kancheepuram District.
3. The Sub Jail,
Kancheepuram District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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