



Crl.O.P.No.2285 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioner/Accused in Crime No.1 of 2024 registered by the respondent police for the offences under Sections 417 and 420 IPC, seeks anticipatory bail.

2. It is the case of the prosecution that a complaint was lodged by the defacto complainant that she had separated from her husband but had relationship with the Petitioner herein and that the Petitioner herein had promised to marry her and that, she had physical relationship with him and a pre-matured child was also born but who unfortunately died. This Court had directed the parties to appear before the respondent. The Petitioner had appeared and the statement had also been recorded.

3. The learned counsel for the Petitioner stated that the Petitioner had also undertaken to pay a compensation to the defacto complainant. The defacto complainant had not appeared before the respondent. However, the DNA sample had been taken for the foetus. It has to be now matched with the DNA of the Petitioner herein.



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4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions.

When the Petitioner reports before the respondent, the respondent must file an application before the jurisdictional Magistrate seeking permission to collect samples from the Petitioner herein for taking DNA test and the Petitioner must also co-operate for the same. If the Petitioner does not co-operate, the respondent is at liberty to seek for cancellation of this anticipatory bail. 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 Judicial Magistrate, Thiruthuraipoondi**, 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 conditions that :



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[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 respondent must file an application before the jurisdictional Magistrate seeking permission to collect the samples from the Petitioner herein for taking DNA test and the Petitioner must also co-operate for the same. If the Petitioner does not co-operate, the respondent is at liberty to seek for cancellation of this anticipatory bail.

[c] the petitioner shall report before the respondent police daily 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.

[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



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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.

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