



Crl.O.P.No.9443 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who was arrested and remanded to judicial custody on 16.03.2024 in connection with Crime No.7 of 2022 registered for the alleged offences punishable under Sections 294(b), 314, 498(A), 323, 406, 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner had married the de facto complainant without the consent of their family members and thereafter, due to the misunderstanding, they parted for a period of 14 years, whereas, the de facto complainant with an ulterior motive, has filed a false complaint against the petitioner. He also submitted that the petitioner is suffering incarceration from 16.03.2024 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.



3. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection for granting bail to the petitioner stating that the de facto complainant had got into a relationship with the petitioner and they got married in the year 2007 without the consent of their parents, which was known only to their close associates and thereafter, the accused, compelled the de facto complainant to abort the pregnancy many times. Thereafter, out of their wedlock, she delivered a male child. Meanwhile, the petitioner had married another woman and deserted the de facto complainant and her child. When the de facto complainant questioned the same to the accused, he had threatened the de facto complainant, abused and harassed her. Further, he has also questioned the paternity of the child. He further submitted that earlier anticipatory bail filed by the petitioner before this Court has been dismissed, since he did not attend the mediation. He further submitted that seven previous cases are pending against the petitioner and also submitted that the investigation in this case is still pending.

4. Learned counsel for the de facto complainant submitted that the petitioner, who had married the de facto complainant in the year 2007, had deserted the de facto complainant and his child and when the de facto



complainant went to the petitioner's house, the petitioner had abused and harassed the de facto complainant and had also questioned the paternity of the child. Hence, he vehemently opposed for granting bail to the petitioner.

5. Heard the learned counsel appearing on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of this case and the submissions made by the learned counsel on either side, and since the petitioner is denying the paternity of the child born to the de facto complainant, this Court is of the view that in such circumstances, DNA test is required. Also, on considering the conduct of the petitioner and taking note of the fact that the investigation in this case is still pending, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed. However, the respondent Police are directed to take steps to conduct a DNA test for the petitioner as well as for the child and the de facto complainant, as per the manner known to law.



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