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CRL OP. 30790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CRL OP. 30790 of 2024

VIGNESH
S/O.KALIYAPPAN, NO.111, COLONY STREET,
VADAKARAI, MANGUDI, THIRUVARUR
DISTRICT.

PETITIONER

Vs

STATE REP. BY THE
INSPECTOR OF POLICE, ALL WOMEN POLICE
STATION THIRUVVRUR, THIRUVARUR DISTRICT.
CRIME NO.2 OF 2024

RESPONDENT

For Petitioner:

MR. P.MUTHAMIZH SELVAKUMAR

For Respondent:

MR. S. SANTHOSH, ADVOCATE (CRL. SIDE)



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CRL OP. 30790 of 2024

ORDER

Apprehending arrest in connection with Crime No.2 of 2024 registered for the offences punishable under Sections 417, 420, 204(b), 506(ii) of Indian Penal Code r/w Section 4 of TNPHW Act, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner submits that the petitioner and the de facto complainant were having consensual relationship and even as per the complaint, there was a relationship between them for the past 10 years and that they have also married. Due to matrimonial dispute, a false complaint has been given. He would further submits that the petitioner is suspecting the fidelity of the de facto complainant and the petitioner is ready to give his blood samples for DNA test and also ready to abide by any stringent condition that may be imposed by this court.



CRL OP. 30790 of 2024

WEB COPY

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, is that as per the de facto complainant Hema, she was in relationship with the accused for 10 years and that they were working in Coimbatore. On 07.05.2023, the accused tied thali and thereafter they were living as husband and wife, due to which the de facto complainant became pregnant and delivered a child. The accused has failed to recognise the marriage and also refused to take her to his parental home. Hence the case. Learned Government Advocate would submit that the petitioner had induced the de facto complainant and lived with her, due to which she delivered a child. However, the petitioner has deserted her and gone away. He further submits that investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the



CRL OP. 30790 of 2024

materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruvarur**, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m for a period of three weeks and thereafter every Saturday at 10.30 a.m. until further orders;

[d] the petitioner shall, on intimation by the respondent police, would give his blood samples for conducting DNA test;



CRL OP. 30790 of 2024

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

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

[g] 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 by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

11.12.2024

bga

To

1. INSPECTOR OF POLICE, ALL WOMEN POLICE
STATION THIRUVRUR, THIRUVARUR DISTRICT.
CRIME NO.2 OF 2024

2. THE JUDICIAL MAGISTRATE, THIRUVARUR

Page No.5 of 6



WEB COPY



CRL OP. 30790 of 2024

A.D.JAGADISH CHANDIRA, J.

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CRL OP. 30790 of 2024

11.12.2024