



WEB COPY



Cr.O.P.No. 31700 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr.O.P.No. 31700 of 2024

1.Danivel

2.Janagi

... Petitioners

Versus

Station House Officer
AWPS Kallakurichi Police Station
Crime No. 77 of 2024.

...Respondent

Prayer : Criminal Original Petition filed Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on anticipatory bail in the event of arrest in relating to Crime No. 77 of 2024 pending investigation on the file of the respondent.

For Petitioners : Sai Krishnan Thiagarajan

For Respondent : Mr.S.Santhosh Kumar
Government Advocate
(Criminal Side)



WEB COPY



Crl.O.P.No. 31700 of 2024

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 75, 318, 296(b), 351(2), 131 of BNS in Crime No. 77 of 2024, on the file of the respondent police, seeks 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. He further submits that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was not married to the de-facto complainant and he has nothing to do with the alleged offence. He further submit that the petitioner is ready to offer his blood samples for taking DNA test. He would further submit that the enquiry was conducted by the respondent police. He would further submit that the petitioner is ready to co-operate for further investigation. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



WEB COPY

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the de-facto complainant, namely, Prema, married to one Prakash and she has one male child. The 1st petitioner herein, who is a document writer, got acquainted with the de-facto complainant despite knowing that she was married and subsequently, the petitioner, suppressing the earlier marriage, sexually assaulted due to which, she became pregnant and thereafter, the 1st petitioner had cheated her.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the 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, Thirukovilur**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 two weeks and thereafter every Saturday at 10.30 am until further orders;

[d] the 1st petitioner is directed to co-operate for investigation with the respondent police by giving his blood samples for taking DNA Test.

[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;



WEB COPY



CrI.O.P.No. 31700 of 2024

[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.

19.12.2024

MSM



WEB COPY



Crl.O.P.No. 31700 of 2024

A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No. 31700 of 2024

19.12.2024