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Crl.O.P.No.28079 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-01-2025**

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 28079 of 2024

Senthilkumar

Petitioner(s)

Vs

The State Represented By, Inspector Of Police,
Ariyalur All Women Police Station (AWPS)

Ariyalur District.

Crime No.50 Of 2024

Respondent(s)

For Petitioner(s):

Mr.M.Mohammed Hamza Ameeri

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.50 of 2024 registered for the offences punishable under Sections 5(l), 5(j)(ii) and 6 of POCSO 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. He would submit that the petitioner and the defacto complainant are close relatives. He would submit that the defacto complainant was having relationship with one Dhanush in the same village, and the petitioner being a close relative, objected to the same, however, she had become pregnant, due to



Crl.O.P.No.28079 of 2024

the said relationship and when the pregnancy came to be known to other relatives, the defacto complainant had pointed that the petitioner was responsible for her pregnancy and thereafter, she had delivered a girl child. He would submit that the petitioner right from the beginning has been informing that he is not responsible for her pregnancy, and the petitioner consequent to the order passed by this court dated 04.12.2024 and has co-operated for the paternity test (DNA-test), by giving blood samples. He would submit that as per the DNA report, the petitioner is not the biological father of the child, and on the date of registration of the complaint, the said Dhanush has also attempted to commit suicide, which would show that the respondent has not conducted proper investigation in this case. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail is that, as per the defacto complainant, the petitioner had committed penetrative sexual assault, due to which, she became pregnant and later, delivered a child. He would submit that a case was registered against the petitioner in Crime No.50 of 2024. He would submit that for conducting DNA-test, the blood samples of the petitioner was sent to Forensic Science Department. However, the DNA test report reveals that the petitioner is not the



Crl.O.P.No.28079 of 2024

biological father of the child. He would submit that there are allegations against the petitioner for committal of penetrative sexual assault on the defacto complainant.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the DNA test report obtained from the Forensic Science Department dated 06.01.2025, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 **Fast Track Mahila Court, Ariyalur**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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



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Crl.O.P.No.28079 of 2024

A.D.JAGADISH CHANDIRA, J.

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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m, for a period of one week and thereafter, as and when required for interrogation;

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

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

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

20.01.2025

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Crl.O.P.No.28079 of 2024