

**Crl.O.P.No.10210 of 2019**

**N.ANAND VENKATESH,J.**

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417, 376 and 313 of IPC in Crime No.5 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. Taking into consideration, the seriousness of the allegation made against the first petitioner, this petition is dismissed insofar as the first petitioner is concerned and it is entertained only insofar as petitioners 2 and 3 are concerned.

3.The case of the persecution is that A1 and the pretext of marrying the victim girl had sexual intercourse with her and subsequently, refused to marry her. The petitioners 2 and 3 are the father and mother of A1.

4. The learned counsel appearing for the petitioners submitted that the petitioners 2 and 3 have nothing to do with the alleged offence and they have been falsely implicated in this case.

5. The learned Government Advocate(Crl.Side) submitted that these petitioners had initially arranged the marriage and subsequently, they went back on the promise and thereby, they have aided A1 in committing the offence.

6. Taking into consideration of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3, subject to the following conditions:

7. Accordingly, the petitioners 2 & 3 are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the

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learned Judicial Magistrate No.I, Villupuram, Villupuram District, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five 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] the petitioners 2 & 3 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 petitioners 2 & 3 shall report before the respondent police as and when required, until further orders.

[c] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 2 & 3 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

15.04.2019

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