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Crl.O.P.No.16186 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **417, 376 and 506(i) of I.P.C** in Crime No.34 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that, petitioner who was a police constable fell in love with the defacto complainant. It is alleged that, on the pretext of marriage, the petitioner had physical intercourse with her and thereafter, the petitioner refused to marry the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that on the pretext of marriage, the petitioner had committed physical intercourse with her and thereafter the petitioner refused to marry the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Admittedly, on an earlier occasion, this Court directed the victim girl to appear before this Court. As such, the victim girl was present today and deposed that, in the year 2015 onwards, the victim had friendship with the petitioner and thereafter, they both fell in love and they both were involved in live-in relationship for the past three years. Thereby, they had physical relationship and even then, the victim girl failed to insist the petitioner to marry her. After a lapse of 3 years, she lodged a complaint stating that, as if the petitioner committed rape on her.

6. Considering the above fact and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner is not required and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in



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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 **learned Judicial Magistrate No.I, Villupuram, Villupuram District** on condition that the petitioner shall execute separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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



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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 229A IPC.

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