



Crl.O.P.No.16866 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC and Sections 5(l) and 6 of POCSO Act, 2012, in Crime No.24 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 fell in love with the defacto complainant during the year 2016 – 2017. Thereafter, A1 and defacto complainant had a physical relationship. Later, the defacto complainant got married with one Manoj kumar. Thereafter, A1 spoke to the said Manoj kumar about his relationship with the defacto complainant while they were studying in college. Due to which, the defacto complainant and her husband got divorced. Now, A1 refuse to marry the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the innocent persons and they have not committed any



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offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 fell in love with the defacto complainant. Later, the defacto complainant got married with one Manoj kumar. Thereafter, A1 spoke about the love affair between him and the defacto complainant to the said Manoj kumar, due to which, the defacto complainant and her husband got divorced. Now, A1 refuses to marry the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Even according to the case of the prosecution, there was a relationship between A1 and the defacto complainant during the year 2016-2017, when they were studying in college. Thereafter, the defacto complainant married one Manoj kumar, on 15.11.2019. Thereafter, the first petitioner herein threatened the defacto complainant by telling their love affair to her husband. Thereafter, the defacto complainant and her husband got divorced and they got separated. Now, the petitioner refuses to marry the defacto complainant.



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6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 each of the petitioners 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 first petitioner alone shall report before the respondent police daily at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation. The second and third petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either



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during investigation or trial.

[d] the petitioners 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]**.

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

20.07.2022

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