



Crl.O.P.No.18941 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 376, 417 , 294(b) and 506 (i) of IPC, in Crime No.10 of 2022 seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant had a love affair, they had physical relationship under the guise of marriage. Later, the first petitioner refused to marry her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned counsel for the Intervenor would submit that the first petitioner and the defacto complainant had a love affair, they had physical relationship under the guise of marriage. Later, the first petitioner refused to marry her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that under the pretext of marriage, the first petitioner had physical relationship with the victim girl and later refused to marry her . Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. It is seen that totally, there are three accused involved in this case in which, the petitioners are arrayed as A1 to A3. On perusal of the statement recorded under Section 164 of Cr.P.C reveals that the victim girl had fell in love with the first petitioner on the pretext of marriage, the petitioner had compelled the victim girl for physical relationship. He has also taken photographs and videographs with the victim girl. Thereafter, he has refused to marry her. Infact, he also looted the jewels of the victim girl and money to purchase his house in his name, the same was questioned by the defacto complainant, the second and third petitioners



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herein threatened her with dire consequences. The first accused also threatened her if not inclined to have physical relationship, he shall upload the videographs and photographs in the social media.

7. Considering the above fact and circumstances of the case and also the submissions made by both counsel and also the fact that the serious offence committed by the first petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner, as far as the 2nd and 3rd petitioners are concerned, they are the family members of the 1st petitioner and the allegations against them is that they had threatened the victim girl, therefore, this Court is inclined to grant anticipatory bail with certain conditions.

8. Accordingly, the 2nd and 3rd 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 ***learned Judicial Magistrate-II, Alandur*** on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to



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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 2nd and 3rd 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 2nd and 3rd petitioners shall report before the respondent police daily twice at 10.30 a.m and 05.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the 2nd and 3rd petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd and 3rd 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 the 2nd and 3rd petitioners in accordance with law as if the conditions have



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been imposed and the the 2nd and 3rd 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.

9. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the the 2nd and 3rd petitioners stands ordered.

11.08.2022

Vv



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