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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 354C, 376, 323 of IPC in Crime No.36 of 2022, seeks anticipatory bail.

2. Heard, Mr.Rao, the learned counsel for the petitioner, Mr.V.J.Priyadarsana, the learned Government Advocate(crl.side) for the respondent / police and Mr.S.K.Sekar, the learned counsel for the intervenor.

3. The case of the prosecution is that the petitioner is a coach and defacto complainant is a marathon runner and taking advantage of the position, he has stalked the defacto complainant through whatsapp using the photographs and subsequently, offered to marry the defacto complainant and it was not accepted by the defacto complainant and threatening the defacto complainant, the petitioner tied her 'thali' and had sexual intercourse on 01.03.2022, whereas the complaint was lodged on



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20.07.2022 with so many allegations.

4. The petitioner is a married man and had two children. According to the petitioner, the defacto complainant was repeatedly stalking the petitioner to marry her despite knowing the fact that the petitioner was already a married man. When the petitioner refused to marry the defacto complainant, she lodged complaint. In fact, the defacto complainant already lodged complaint on 03.07.2022 and subsequently, it was withdrawn on 04.07.2022 before the E-3, Saravampatti Police Station, Coimbatore. The defacto complainant also started defaming the petitioner and his family members in facebook and other online portals to which the petitioner's wife lodged complaint against the defacto complainant before the Commissioner of Police, Coimbatore on 20.07.2022. In order to counterblast the same, the present complaint has been filed as against the petitioner. The petitioner had helped the defacto complainant by paying money for her studies and looking after her educational expenses. In fact, the petitioner had deposited money for her expenses and helped her to complete her project in Dubai. On the alleged



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date of occurrence, i.e. 01.03.2022, the petitioner only purchased the ticket to send the defacto complainant to Dubai. It is also evident from the ticket used by the petitioner. Subsequently, he also got ticket for the defacto complainant's father and he had also gone to Dubai.

5. On perusal of the complaint, revealed that the defacto complainant aged about 24 years and she completed her degree and to pursue her PG in Dubai, she had gone to Dubai. When a woman is raped by the accused, definitely she would lodge complaint immediately after occurrence. In the case on hand, the alleged occurrence had taken place on 01.03.2022. But the defacto complainant lodged complaint only on 20.07.2022. There is absolutely no explanation for the delay in lodgment of complaint. That apart, the petitioner only had purchased the ticket and sent her to Dubai. The learned counsel for the petitioner also produced whats app messages and email even after the alleged occurrence dated 01.03.2022, which reveals that the petitioner and the defacto complainant were in relationship and thereafter, the complaint has been lodged. Therefore, the custodial interrogation of the petitioner does not require in



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this case and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 learned Judicial Magistrate, Additional Mahila Court, Coimbatore, on condition that the petitioner 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 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 as and



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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 229A IPC.

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