



Crl.O.P.No.21741 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376 and 417 of IPC in Crime No.02 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Karthikeyini is that she has completed M.E and she is working as a Professor in an Engineering College in Dindigul District and she was also preparing for getting a Government job. While so, during the year 2020, she along with her family members looked a match for her sister in Tamil Matrimony. At that time, she got introduced with the accused who is a Professor in Anna University, Ramanathapuram and they got acquainted to each other and developed a friendship. Later, on 04.09.2022 the accused called her over phone by saying that he is staying in a lodge at Egmore and asked her to come there. The defacto complainant had refused to come, the accused had compelled her saying that if she will not come, he would commit suicide and believing that, the defacto



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complainant had gone to the lodge and on the promise of marrying her, he had compelled her to have sexual intercourse. Thereafter, he used to call her for several dates viz., 05.09.2021, 09.10.2021, 10.10.2021, 20.11.2021, 21.11.2021, 28.04.2022 and 29.04.2022 and had sexual intercourse with her. Thereafter, when the defacto complainant had compelled the accused to marry her, he insisted her to give 100 sovereign of jewels, car and house as dowry, otherwise he will not marry her. The petitioner has also abused her in filthy language and threatened her that she would be murdered by his brother. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are known to each other and the petitioner and the defacto complainant are grown up adults; both of them are working as a Professors in the Engineering College and they are aware of the consequences of what they are doing. There was a consensual relationship between them. Subsequently, taking advantage of the relationship, the defacto complainant had compelled him to marry her and due to a misunderstanding between them, a false complaint has been



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given. The very reading of the FIR would show that the petitioner had not induced her for the purpose of satisfying his lust and there was a continuous and repeated relationship between them and the act of the defacto complainant was consensual in nature. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent Police would submit that as per the complaint, the petitioner had induced the defacto complainant, under the false promise of marrying her, had repeated sexual intercourse with her and thereafter, refused to marry her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor would submit that the petitioner taking advantage of the vulnerability of the defacto complainant had induced her stating that both of them belong to the same community and on the false promise and assurance of marrying her, had spoiled her life. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.



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6.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 Metropolitan Magistrate, (Additional Mahila Court), Egmore, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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., for a period of four weeks and thereafter, on every Saturday 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 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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