



CrI.O.P.No.22106 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 417, 376, 506(i) IPC in Crime No.24 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 had induced the defacto complainant on the false promise of marrying her and had sexual intercourse with her and later refused to marry her and the petitioners herein who are mother and uncle of A1 had arranged marriage of A1 with some other girl. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are mother and uncle of A1, he would submit that the petitioners were not aware of the affair between the A1 and the victim girl and a false complainant has been given as against them, in order to compel them to agree for the marriage between the defacto complainant and A1. He would pray for grant of anticipatory bail.

4.The learned Government Advocate (crl. side) appearing for the respondent police submitted that the petitioners are respectively mother and uncle



of A1, they knowing full well that A1 had cheated the victim girl had made arrangements for marriage of A1 with some other girl. Hence, he opposed for grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Additional Mahila Court, Erode, on condition that the petitioners shall execute a separate bond 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 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 petitioners shall report before the respondent Police daily at



10.30am for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

14.09.2022

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