



Crl.O.P.No.22186 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 417, 376 and 506(i) of IPC in Crime No.16 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant J.Joyce Milkina is that she had studied MBA in Human Resource Management and Diploma in Nursing and now working as Nursing Incharge in NU Hospital in Bangalore. The *de-facto* complainant has registered her name in Shaadi.com for marriage and that the accused who was a resident of Perambur Barracks Area, had contacted her through mobile. During March 2022, he had gone to Bangalore and informed her that he was staying in a hotel in Koramangala, Bangalore and had invited her to the hotel. The defacto complainant had gone there, where he had offered a cool drink laced with sedative to her. When she was in a semi-conscious stage, the petitioner had committed sexual intercourse with her



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and later, it was known to the *de-facto* complainant, she fought with him.

However, the accused convinced her saying that they are going to get married and pacified her. Thereafter, he had continued chatting over phone and whenever he came to Bangalore, he had sexual intercourse with her and again during his birthday, had called her to a hotel in Chennai and had sexual intercourse with her. Thereafter, he refused to marry the *de-facto* complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the *de-facto* complainant are grown up adults and a case of consensual affair between them has been falsely projected as a case of cheating and rape. He would further submit that even as per the First Information Report, the offences are alleged to have been taken place at Bangalore within Koramangala limits, whereas the respondent at Chennai have without conducting a preliminary enquiry had registered the case. Now, based on the complaint and registration of the case, the *de-facto* complainant is threatening, blackmailing and demanding an amount of Rs.15,00,000/- from him. Hence, he prays to



grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner in the guise of a marriage proposal, had contacted the victim and thereafter gone to Bangalore and taken her to a Hotel in Bangalore, offered her a cool drink laced with sedative and had committed sexual intercourse with her when she was in a semi-conscious stage. Thereafter, on several occasions, on the promise of marriage, had sexual intercourse with her and later, cheated her and also threatened her family members. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for both sides and carefully perused the FIR and the contents therein. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is 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 Court-I, Poonamallee** on condition that the each of the petitioners 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:

[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 **every day at 10.30 am 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



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trial.

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[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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