



Crl.O.P.No.23850 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 294(b) and 506(ii) of IPC in Crime No.15 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that she is working as a Nurse in Chennai and that on 24.04.2022, the A1/1st petitioner herein on the promise of marriage had compelled her to love him and she has refused the same. While being so, on 27.06.2022, when the *de-facto* complainant was near the bund of the lake, A1 had committed rape on her and when she had questioned him, he had threatened her with knife. On the same day at 8.00 p.m., the mother of the *de-facto* complainant had questioned the relatives of the A1 and they have threatened and abused her in filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given as



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against them. He would further submit that it was a case of consensual relationship between the 1st petitioner and the *de-facto* complainant from the year 2017 to 2021. Thereafter, due to a dispute in their family, the marriage could not be performed and a false complaint has been given. He would further submit that the victim is a nurse and she had been taken for medical examination on 21.09.2022, wherein she had admitted that there was a relationship between the 1st petitioner and herself for 4 years from 2017 to 2021 and therefore, the entire story of the *de-facto* complainant that the 1st petitioner had committed rape on her could not be believed. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that though there was a consensual relationship between the 1st petitioner and the *de-facto* complainant from the year 2017 to 2021, on 27.06.2021, the 1st petitioner had committed rape on her. He would further submit that investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel. Perused the materials available on record including the Accident Register and the Medical Report. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thirukoilur District**, on condition that the each of the petitioners shall execute a separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders. The 2nd and 3rd petitioner being the relatives of the 1st petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks 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 petitioners in accordance with law as if the conditions have been imposed and the 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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