



Crl.O.P.No.24463 of 2022

Crl.O.P.No.24463 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 493, 294(b), 506(ii) of IPC in Crime No.17 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that A1 had induced her on the promise of marrying her and had committed sexual intercourse with her and thereafter refused to marry her. When it was questioned by the defacto complainant, the other accused who are parents and relatives of A1 have threatened her. Later she came to know that A1 had married another woman. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a consensual affair between A1 and the defacto complainant has been falsely projected as a case of rape and cheating. As far as the other accused is concerned, they are relatives of



Crl.O.P.No.24463 of 2022

WEB COPY

A1 who have no connection with the crime. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that A1 had induced the defacto complainant and on giving a false promise and assurance to the defacto complainant that he will marry her, had a sexual intercourse with her and thereafter, cheated her. When it was questioned by the defacto complainant, the other accused who are parents and relatives of A1 have threatened her. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and submissions of the learned Counsel, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. As far as the other petitioners are concerned, this Court is inclined to grant anticipatory bail with certain conditions.



Crl.O.P.No.24463 of 2022

WEB COPY

6. Accordingly, the petitioners 2 to 4 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 No.I, Kallakurichi on condition that the petitioners 2 to 4 shall execute 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 2 to 4 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 2 to 4 shall report before the respondent Police daily at 10.30 a.m., until further orders.



WEB COPY



CrI.O.P.No.24463 of 2022

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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;

13.10.2022

vkrr



WEB COPY



Crl.O.P.No.24463 of 2022

A.D.JAGADISH CHANDIRA, J.

vkr

Crl.O.P.No.24463 of 2022

13.10.2022