



Crl.O.P.No.25122 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 294(b), 354(b), 506(ii), 376, 511 of IPC in Crime No.2 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On 28.09.2022, during night time, the petitioner entered the house of the defacto complainant and attempted to commit rape on her and when she had pushed the accused, he had threatened and intimidated her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 23 years and the defacto complainant is aged about 56 years and they are neighbours and that there was a dispute between them on account of encroachment of land, a false complaint has been given. He would further submit that even as per prosecution, she has not subjected herself for any medical examination. He would further



submit that previous enmity has been projected as a case of attempted to commit rape. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that during the night time, the petitioner entered into the house of the *de-facto* complainant and attempted to commit rape on her and when the same was questioned by her, the petitioner has threatened her. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with certain conditions.

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, Thittakudi, Cuddalore District** on condition that the petitioner 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 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 stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station daily at 10.30 a.m. for a period of 2 weeks and thereafter, report before the respondent Police daily 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



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down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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mka/vkr

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.10.2022

mka/vkr

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