



Crl.O.P.No.25033 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 of IPC in Crime No.6 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Sumaiya Ayesha Gani is that she is an M.B.A graduate and she got introduced to the petitioner on 13.10.2018 through social media and thereafter their friendship developed to love affair. Thereafter under the pretext of marriage, from 04.12.2018, the petitioner had taken the defacto complainant to Marina Beach, ECR Road and to several other places and that on 03.07.2022, on promise of marrying her, the petitioner had sexual intercourse with her repeatedly. While so, on 14.08.2022, the accused had called her to Saidapet Metro Railway Station, wherein he had disclosed that, he was going to marry someone else and thereby cheated her. Hence, the case.



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3. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are grown up adults and they are aware of the consequences. He would further submit that the petitioner and the defacto complainant belong to the same community and infact there was a love affair between them before 2019. He would further submit that the petitioner had gone to the house of the defacto complainant for marriage proposal, however, the father of the defacto complainant refused to give her daughter for marriage and thereafter the defacto complainant has also sent message to the petitioner that he may marry someone else. He would further submit that, from the year 2019, there is no relationship between the petitioner and the defacto complainant and thereafter a false complaint has been lodged against the petitioner, as if the petitioner had sexual intercourse with the defacto complainant. He would further submit that, even taking into consideration the allegation are stated to be true, it cannot be stated that the petitioner had made false promise only to satisfy his lust. He would further submit that, even as per the defacto complainant, it was a consensual affair between the parties and is not a case of rape. Hence he seeks to grant anticipatory bail in respect of the petitioner.



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4. The learned Additional Public Prosecutor would submit that, upon false promise of marriage, the petitioner had sexual intercourse with the defacto complainant and had cheated her. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard. Perused the FIR. Taking into consideration of the facts and submission, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned VII Metropolitan Magistrate, George Town, Chennai on condition that the each of the petitioner 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:



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[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 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 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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