



CrI.O.P.No.26317 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 420 and 376 IPC in Crime No.283 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she got introduced to the petitioner two years ago in a matrimonial site and thereafter, they got acquainted with each other. However, there was no consensus with regard to the marriage between the family members and thereby the proposal of marriage did not take off and materialise. While so, the accused had called the defacto complainant over phone and said that he will convince the family members and get married to her. Thereafter, they met each other and developed relationship and after some time, they had lived as husband and wife for a period of two years in a flat. While that being so, the accused, suppressing their relationship had taken steps to marry some other person without the knowledge of the defacto complainant. Hence, the case.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a case of consensual of relationship between two grown up educated adults has been falsely projected as a case of cheating and rape. He would submit that the very reading of the F.I.R would show that there was a consensual relationship between the parties and they have been in a live-in relationship for some period. Therefore, it is not a case, where the petitioner had induced the defacto complainant on the false promise of marriage only in order to satisfy his lust. The learned counsel would reiterate that the defacto complainant is a well educated matured adult knowing the consequences of such relationship. Later, the petitioner came to know that the defacto complainant apart from having relationship with the petitioner was also having relationship with several other persons. Thereafter, their relationship got constrained and they are not in touch for few months. Subsequently, the petitioner decided to get married to someone else and in order to stop the marriage a false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the defacto



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complainant got introduced in a matrimonial site. Thereafter, since there was no consensus between the family members regarding the marriage the proposal did not take off. While so, the accused called the defacto complainant over phone and said that he will convince the family members and get married to her. Thereby, they met each other for a long time and they had lived as husband and wife for a period of two years. While that being so, the petitioner had decided to get married to someone else. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. In reply to the submission, the learned counsel for the petitioner submitted that when the petitioner came to know about the relationship of the defacto complainant with several other persons, he disconnected his relationship with her nine months back and the petitioner has also got several whatsapp messages to show that their communication stopped nine months ago.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. Taking into consideration the facts and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate-II, Alandur on condition that the petitioner 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 daily at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



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[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.

31.10.2022

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