



Crl.O.P.No.27138 of 2022

Crl.O.P.No.27138 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends 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, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner 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 the petitioner have threatened her. Later she came to know that the petitioner had married another woman. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a case of consensual affair between the petitioner and the defacto complainant is falsely projected as a case of rape and cheating. He would submit that the petitioner along with the



Crl.O.P.No.27138 of 2022

WEB COPY

other accused had earlier filed a petition in Crl.O.P.No.24463 of 2022 and in that petition, this Court had granted anticipatory bail to other accused who are relatives of the petitioner and dismissed the petition in respect of the petitioner/A1. He would submit that the petitioner and the defacto complainant belong to the same community and due to intervention of the elders in the Village, a compromise has been effected and thereby, the defacto complainant had agreed to not press the complaint against the petitioner and the parties have also agreed not to interfere with each other's life and they have also filed a joint memo of compromise in the presence of Villagers. He would further submit that the defacto complainant is aged about 25 years and the relationship was a consensual in nature. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had induced the defacto complainant and on giving a false promise and assurance to her that he will marry her, had a sexual intercourse with her and thereafter, cheated her. When it was questioned



Crl.O.P.No.27138 of 2022

by the defacto complainant, the other accused who are parents and relatives of the petitioner have threatened her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel and now it is stated that the parties have entered into compromise, this Court is inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate No.I, Kallakurichi 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



CrI.O.P.No.27138 of 2022

WEB COPY

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., 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]**;



WEB COPY



Crl.O.P.No.27138 of 2022

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

7. Accordingly, this Criminal Original Petition is ordered and the Joint Memo of Compromise filed by both sides shall form part of the Court records.

22.11.2022

vkf



WEB COPY



Crl.O.P.No.27138 of 2022

A.D.JAGADISH CHANDIRA, J.

vkf

Crl.O.P.No.27138 of 2022

22.11.2022