



Crl.O.P.No.27143 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376(2)(f), 376(2)(n) and 506(i) of IPC in Crime No.20 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Nandhini is that the first petitioner is the son of the defacto complainant's maternal uncle and her maternal uncle passed away 6 years ago; the first petitioner and the defacto complainant were in love affair for the past five years; during such time, they were very close and had physical relationship. After the death of his father, the first petitioner got appointed as a Forest Guard in the Tamil Nadu Forest Department and thereafter, refused to speak with her and cut her relationship. When the defacto complainant had informed to the mother of the first accused, she also said that he cannot marry her and thereafter, she got depressed and admitted in the hospital. Hence the complaint.



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3.Mr.V.Parthiban, learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are close relatives. The defacto complainant is aged about 30 years and they are being related to each other and had a consensual relationship for the past five years. Later, the defacto complainant had compelled the first petitioner to marry her and the first petitioner came to know that the defacto complainant was earlier having relationship with one Joshwa and thereby, he refused for the proposal. Since the defacto complainant has continuously harassed the first petitioner, the first petitioner has given a complaint before the All Women Police Station, Dharmapuri on 02.8.2022. When the defacto complainant was called for enquiry, she has given a complaint on 19.10.2022 stating that the first petitioner had cheated her. He would submit that the very reading of the FIR would show that the relationship between them was consensual in nature and it is not a case where the petitioner had induced the defacto complainant on the false promise of marriage for satisfying his lust. He would further submit that the further reading of the FIR would show that the defacto complainant had admitted her earlier relationship with another person,



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when she was studying in the College. Hence, he prays for grant of anticipatory bai to the petitioners.

4.The Additional Public Prosecutor would submit that on the false promise of marriage, the petitioner had close relationship with the defacto complainant for the past five years and he would submit that for the past five years, on the assurance, the defacto complainant had physical relationship with the first petitioner and thereafter, the first petitioner has cheated the defacto complainant and the second petitioner, who is mother of the first petitioner had intimidated the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record including the First Information Report.



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

7.Accordingly, the petitioners 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 Additional Mahila Judge, Dharmapuri, on condition that each of the petitioners 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 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.



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[b] the petitioners 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.

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

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

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