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Crl.O.P.No.27256 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 376 & 506(ii) of IPC in Crime No.568 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she had completed M.A.degree and she is at home and that there was a marriage proposal for the first accused, who belongs to the same village and it was refused by the defacto complainant's parents. Subsequently, the petitioners had approached the defacto complainant saying that first accused loves her and if she does not love him, the petitioner along with other accused threatened her that he will do away her family family members. On a particular day, when she was alone at her home, the first accused had committed rape on her by threatening her at knife point, On 05.10.2022, the defacto complainant got stomach pain and she was taken to the Omalur Government Hospital, where she had delivered a female



CrI.O.P.No.27256 of 2022

baby. Further averment is that, when she was pregnant, in order to avoid the other people knowing about it, she had tied a cloth tightly over her stomach and concealed her pregnancy. Thereafter, the defacto complainant along with others went to the accused house and asked him to marry the defacto complainant, petitioners along with other accused had refused and threatened them saying that they will kill and bury them. Hence, the case.

3. The learned counsel for the petitioners would submit that on reading of the FIR would show that it is a fabricated case. He would further submit that the allegation of the defacto complainant cannot be believed at all, wherein she had stated that she had concealed her pregnancy for 10 months and reported it to her parents only after she delivered the baby. He would further submit that the defacto complainant's parents suspecting that the first accused is the reason for the pregnancy had compelled the first accused to marry her. He would further submit that when it was refused by the first accused, the parents of the defacto complainant along with the relatives have trespassed into



Crl.O.P.No.27256 of 2022

A1 and petitioners, who are relatives of the A1. On the complaint given by the petitioner's side, a case in Crime No.518 of 2022 has been registered by the respondent police for offence under Section 506(ii) IPC. Only as a counter blast, after a period of 19 days, present complaint has been registered against the petitioner and A1. He would further submit that first accused in this case had been granted bail by this Court in Crl.O.P.No.27791 of 2022 dated 14.11.2022. Hence he seeks to grant anticipatory bail in respect of the petitioners.

4. The learned Additional Public Prosecutor would submit that, when the marriage proposal of the first accused has been rejected by the family members of the defacto complainant, he has threatened her to love him and when the defacto complainant was alone at home, the petitioners had committed rape on her. He would further submit that the specific overt act as against the petitioners is that the petitioners are the parents and relatives of the first accused and they had threatened the defacto complainant with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioners.



Crl.O.P.No.27256 of 2022

WEB COPY

5. Taking into consideration of the facts and submissions of the case, this Court is inclined to grant Anticipatory Bail with certain conditions.

6. 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 Judicial Magistrate Court No.2, Mettur on condition that the each of the petitioners 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:

[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.



Crl.O.P.No.27256 of 2022

WEB COPY

[b] the petitioners shall report before the respondent police daily 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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