



Crl.O.P.No.28289 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 and 376 of IPC in Crime No.18 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that on 22.08.2022 at about 4 a.m., A1 had come to her house in a two wheeler and compulsorily kidnapped her and taken her to his house and had forcefully tied thali and thereafter, had committed sexual intercourse with her and later, A1 had informed her that he had tied thali only in order to have sexual intercourse with her and later he would marry some other girl. Thereafter, they were living together for 1 ½ months as husband and wife and subsequently, he left away. The further allegation is that the present accused who are parents and sister of A1 had abetted A1 in this offence. Hence, the complaint.



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3.The learned counsel for the petitioners would submit that there was a relationship between A1 and the defacto complainant and they were living separately. He would submit that even as per the FIR, the allegations against the petitioners is that they have abetted to commit the crime. The very reading of the FIR would prove the falsity of the case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners are parents and sister of A1. A1 had induced the defacto complainant on the false promise of marriage and had committed sexual intercourse with her and thereafter, cheated her. He would submit A1 is still absconding. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.



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6. On going through the allegations, this Court is satisfied and the petitioners are entitled for grant of anticipatory bail 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 Court, Cuddalore** 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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.

18.11.2022

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