



Crl.O.P.No.29025 of 2022

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

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 312, 420, 376 IPC in Crime No.176 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Nathiya is that he is a widow and that one Amul @ Amavasai/A1 got introduced to her and that they become closer and they were in love for about 8 months. While so, on 18.05.2022, the accused on the promise to marry her had sexual intercourse with her. Due to which she became pregnant. When the defacto complainant disclosed about her pregnancy, the said Amul @ Amavasai and the other accused had compelled her to abort the pregnancy and harassed and intimidated her to take tablets for aborting the fetous, due to which, her pregnancy got aborted. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since they happens to be the friends of A1. He would submit that the



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petitioners are not aware of the relationship between the defacto complainant and A1. Further, the defacto complainant is a widow and that they do not know about the affair between them. Thereby, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are friends of one Amul @ Amavasai and the said Amul @ Amavasai had induced the defacto complainant on the false promise and had sexual intercourse. Due to which, the defacto complainant became pregnant. Later, these petitioners have threatened the defacto complainant to abort the pregnancy and they have also forcibly given her tablets. Due to which, the fetus got aborted. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain



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conditions.

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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 District Munsif Court Cum Judicial Magistrate, Gumudipoondi on condition that the petitioners in both the Crl.O.P's 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.

[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.



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[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.

30.11.2022

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