



Crl.O.P.No.474 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 417 and 420 of IPC in Crime No.12 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, under the pretext of marriage, had physical relationship with victim girl on several occasions. In fact, the defacto complainant got pregnant due to their relationship and thereafter on the assurances given by the petitioner, the defacto complainant aborted her pregnancy. Even then, the petitioner refused to marry her and left her in lurch. Hence, the complaint.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner and the victim fell in love. The victim is a major girl. On so many occasions, with the consent of the victim, the petitioner had physical relationship. In fact, on two occasions, she herself had aborted her pregnancy. Therefore, there was no physical relationship on



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the pretext of marriage. Now, she had also sent whatsapp messages stating that only on the compulsion of her family members, she lodged a complaint and she does not want to proceed with the case. He had also produced the whatsapp messages sent by the victim. Therefore, petitioner has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any stringent conditions as may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that this is the third anticipatory bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court in Crl.O.P.No.11569 of 2022 and Crl.O.P.No.14843 of 2022 on 18.05.2022 and 05.07.2022, respectively. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. It is also seen from the complaint that they fell in love for the past ten years and on so many occasions, they had physical relationship.



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On two occasions, she had aborted her pregnancy. No where, the victim had stated that on the pretext of marriage, the petitioner had physical relationship with her. Admittedly, the victim is also a major girl.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate Court, Ambathur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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:



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[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., for a period of two weeks and thereafter as and when required for interrogation.

[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]**.

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

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