



CrI.O.P.No.350 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 376 and 506(i) of IPC in Crime No.17 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is a soldier in Indian Army, induced the defacto complainant on the false promise of marriage and had committed sexual intercourse with her and thereafter, cheated her. When the same was questioned by her, the petitioner had threatened to kill her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and in order to defame the name of the petitioner in the locality, the defacto complainant has given a false complaint against him. He would further submit that he has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner who is a soldier in Indian Army, induced the defacto complainant on the false promise of marriage and had committed sexual intercourse with her and thereafter, cheated her. When the same was questioned by her, the petitioner had threatened to kill her. He would further submit that if the petitioner is granted anticipatory bail at this stage, there is a possibility of tampering the evidence. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the materials available on record.

6.Taking into consideration the facts of the case and also the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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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 learned Judicial Magistrate, Arni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 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



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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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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