



Crl.O.P.No.1158 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 417, 420, 506(1) of IPC, in Crime No.1 of 2023, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that there was a love affair between the petitioner and the defacto complainant and the petitioner got married to another girl. Subsequently, the petitioner had an illegal intimacy with the defacto complainant and she got pregnant and in turn he abused to marry her. Further it is alleged that, one Pradeepraj had a love affair with defacto complainant and willing to marry her, at that time, she disclosed her earlier love affair and the same was accepted by him, believing his words, they had sexual intercourse and thereafter he refused to marry her and now she gave birth to a female child. Hence the case has been registered against the petitioner. Hence, the complaint.



Crl.O.P.No.1158 of 2023

WEB COPY

3. Learned counsel appearing for the petitioner submitted that the petitioner to prove his innocence, ready to undergo DNA test and hence he is no way connected for the birth of female child and denied the paternity. He further submits that before his marriage, he was love affair with the defacto complainant and there was no physical relationship at any point of time. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there was a love affair between the petitioner and the defacto complainant, believing his words, they had sexual intercourse and thereafter he denied. Subsequently, one Pradeepraj, had a love affair with the defacto complainant, believing his words, she disclosed her earlier love affair and she got pregnant and now she gave birth to the female child. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.1158 of 2023

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***District Munsif cum Judicial Magistrate, Tharangampadi***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties and one surety must be a blood surety, 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 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 Court concerned 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 and ready himself for DNA test;

[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;



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CrI.O.P.No.1158 of 2023

T.V.THAMILSELVI, J.

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[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 has been imposed and the petitioner is 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;

27.01.2023

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CrI.O.P.No.1158 of 2023