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Crl.O.P.No.5658 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under sections 417, 493, 294(b), 376(2)(n) & 506(i) of IPC, in Crime No.03 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant/victim, aged about 21 years, is that she and the first accused on 05.03.2023, the accused were colleagues in a baniyan company and during such time, there was a relationship between them and on taking advantage of the same, he invited her to a nearby hotel and on the false promise of marrying her, had committed penetrative sexual assault on her and cheated her. Further, the family members of A1 had abused the de-facto complainant in a filthy language and threatened with dire consequences. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner and the de-facto complainant are grown-up adults working in a same company. He further submitted that the relationship between the petitioner and the de-facto complainant is consensual in nature, whereas, the de-facto complainant has given a false complaint, as if, the petitioner has committed penetrative sexual assault on her. He also submitted that it is not a case where the petitioner has induced the de-facto complainant to satisfy his lust. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case, where, the petitioner, who was working along with the de-facto complainant in a baniyan company, on the false promise of marrying the de-facto complainant, has committed a penetrative sexual assault on her and cheated her. He further submitted



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that the petitioner's family members have also abused the de-facto complainant and threatened her with dire consequences. He also submitted that the statement under Section 164 Cr.P.C., has also been recorded from the victim. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the statement recorded from the victim girl under Section 164 Cr.P.C.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the statement recorded from the victim girl under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Uthangarai, Krishnagiri**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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.

30.03.2023

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