



Crl.O.P.No.5849 of 2023

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WEB C **A.D.JAGADISH CHANDIRA.J.**

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417 and 506(i) of IPC, in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that one Priya has completed B.E.(ECE) and is working in Cinema Industry and she came to know the petitioner/accused while they were working in Master Movie and she had proposed to him and thereafter they were in love and during 2020 pandemic period, they were living together along with their friends in the same house for one year. Thereafter, the defacto complainant was living in Kodampakkam and that the petitioner used to come to her house and she used to go to his house and for the next three years, they were physically together. During January 2022 she had insisted the petitioner to marry her and he sought time till May. Since he did not accept for the marriage, she had taken sleeping pills and she was admitted in the hospital and later the parents of the petitioner had refused to accept for the marriage and thereafter she had given a complaint to police by calling 100 and the



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police had enquired them and she had given a complaint to the respondent

police. Later, the petitioner had intimidated her. Hence, the case.

3.The learned Senior Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He submitted that taking into consideration of the facts of the FIR it would go to show that there was a consensual relationship between two grown up and matured adults who have lived together for three years. He submitted that this is not the case where the petitioner had induced the defacto complainant on the assurance of marrying her only with the purpose of satisfying his lust and that no case of cheating can be made out as against the petitioner. He further submitted that even as per the complaint it is the defacto complainant, who has initiated the relationship. Hence, he prays to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and the defacto complainant were working in Cinema field. During such time, the petitioner had induced the defacto complainant on false assurance of marrying her and had sexual intercourse with her. Therefore, he vehemently opposed for grant of bail to the petitioner.



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5.Heard the learned Senior Counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

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 was made ready, before the **Learned Judicial Magistrate No.II, Poonamallee**, on condition that the petitioner shall execute a 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 conditions 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, every saturday at 10.30 am., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.03.2023

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