



Crl.O.P.No.6005 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 312, 376, 417 and 506(ii) of IPC in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant K.Soniya is that she has completed M.B.A degree and that she was working as an Office Assistant with the Development Officer in M/s.United India Insurance Company, Kumaran Road, Tiruppur and during that time, she developed relationship with one Umashankar and the said Umashankar, who is a married man, suppressing his marriage, had married the de facto complainant on 20.12.2021 at Easwaran Koil, Chinnakarai, Tiruppur. Thereafter, she came to know about the earlier marriage of Umashankar/accused only on 31.12.2021 and she had called him to come for discussion and when she had gone park road along with her friend, they were having discussion in a car and there was a quarrel,



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at that time, de facto complainant got out from the car and jumped on the bridge, resulting in her sustaining grievous injuries and the said Umashankar/accused had given Rs.2,50,000/- to her medical expenses and thereafter she cut-off the relationship. The further allegation is that on 10.08.2022, the said Umashankar/accused had kidnapped her in a car and committed sexual intercourse with her and later, she became pregnant and without her knowledge, he had performed abortion to her and cheated her. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the de facto complainant are colleagues working in M/s.United India Insurance Company and they are matured adults. He would further submit that the de facto complainant knowing very well that the petitioner was a married man, had developed relationship with the petitioner and there was a consensual relationship between them other than that, the petitioner has not committed any offence. He would further submit that



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earlier a false complaint was given against the petitioner on 04.01.2022 before the Tiruppur North Police Station, Tiruppur and based on compromise, the de facto complainant had received a sum of Rs.2,50,000/- from the petitioner and subsequently, she has given another false complaint on 14.11.2022 before the Tiruppur North Police Station, Tiruppur with regard to the very same allegation. Both the cases were closed based on the compromise and subsequently a fresh complaint has been given against the petitioner on 11.02.2023. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner, who is a married man, suppressing his marriage, had sexual intercourse with the de facto complainant and later cheated her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard both sides and perused the entire materials available on record including the earlier complainants.

6. Taking into consideration the facts and circumstances of the case, the submissions of both sides, 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 **Additional Mahila Fast Track Court, Tiruppur**, 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 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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