



Crl.O.P.No.6123 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 417 & 406 of IPC, in Crime No.6 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant G.Valli is that she was in love affair with the petitioner/accused for the past eight years and during the period, she has given money to the petitioner/accused to the tune of Rs.50,000/- and he has also promised to marry her. Later, the petitioner/accused cheated the de facto complainant. 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 there was a friendship between the petitioner and the de facto complainant for the past eight years and during such time, there were exchange of gifts. He



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would further submit that the petitioner has gifted several things including cell phone to the de facto complainant and now due to misunderstanding, a false complaint has been given against the petitioner. 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) appearing for the respondent would submit that the petitioner/accused befriended the de facto complainant and they were in love affair and during such time, under the guise of marriage, the petitioner/accused had taken a sum of Rs.70,000/- from the de facto complainant and later cheated her and also refused to marry her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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



6. Taking into consideration the facts and circumstances of the case and also the submission 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 learned Judicial Magistrate, Thirukoilur, Kallakurichi District**, 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:

[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.



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[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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.

20.03.2023

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