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CrI.O.P.No.6161 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 376, 417, 420, 506(ii) and 107 of IPC and Section 6 of the POCSO Act, 2012, in Crime No.136 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Surya is that she is working as a Project Manager at ACCUKNOX Company and that while she was studying at Chettinad Vidyalaya School she got acquainted with Nishanth, who was also studying in the same school and during such time he induced her on the promise of marrying her, had sexual intercourse with her on several occasions and he had agreed to marry her after she attains majority. Thereafter, both of them had studied at Institute of Hotel Management and Catering Technology Management and even at the time, he had sexual intercourse. Later it came to the knowledge of both the families. During their friendship the



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accused had taken Rs.68,00,000/- from her and thereafter whenever she demanded the money back, he told her that he will marry her after some time and repay the amount. Later, the defacto complainant came to know that the first accused Nishanth and his parents were getting ready to marry some other girl for him and when she had demanded him he had threatened her saying that he would upload all the private photos in Social Medias and he had also refused to return the amount. Hence the complaint. Based on the complaint the case in Crime No.136 of 2023 came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case. He would further submit that admittedly as per the prosecution there was love affair between the petitioners' son Nishanth and the defacto complainant for several years, even when they were studying in school and college. Later, during their relationship, the defacto complainant had alleged that she had given more than Rs.68,00,000/- to the petitioner. Subsequently, there was misunderstanding between the petitioners' son and the defacto complainant and thereafter the said



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Nishanth had called off the relationship and when he was getting ready to marry another girl the defacto complainant has given a false complaint. He would further submit that after coming to know of the registration of the case the petitioner's son committed suicide on 08.03.2023 by jumping into the Porur lake and on the complaint given by the 2nd petitioner a case in Crime No.188 of 2023 has been registered under Section 174 Cr,P.C and investigation is pending. He would further submit that the defacto complainant is the person, who has abetted their son to commit suicide and whereas she has given a false complaint against the petitioners. He would further submit that the petitioners are not aware of the transaction between their son and the defacto complainant. However, an amount of Rs.10,00,000/- had came into the account of the 1st petitioner from the account of their deceased son. He would further submit that without prejudice to their rights and defense, the petitioners are ready to hand over a Demand Draft drawn in favour of the defacto complainant at Karnataka Bank, Service Branch, Chennai, bearing No.070847 for Rs.10,00,000/- dated 13.06.2023. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (CrI. Side) would submit that the petitioners are parents of the main accused. The main accused had developed friendship with the defacto complainant and on the assurance of marrying her, had sexual intercourse with her and during their relationship he had also received a sum of Rs.68,00,000/- and later cheated the defacto complainant. He would further submit that pending investigation the 1st accused committed suicide. The petitioners are the parents of the 1st accused and from the account of their deceased son a sum of Rs.10,00,000/- has been transacted into the account of the 1st petitioner. He would further submit that investigation is pending. Hence, he vehemently objected to grant anticipatory bail to the petitioners.

5. Mr.Rakhi, the learned counsel as intervenor appearing for the defacto complainant would submit that today the petitioners have handed over a Demand Draft for a sum of Rs.10,00,000/- which is drawn in favour of the defacto complainant and she also acknowledges the receipt of Rs.10,00,000/-.



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6. It is made clear that merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners have handed over the Demand Draft for Rs.10,00,000/- in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court I, Poonamallee**, on condition that the petitioners shall execute bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who



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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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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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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