



Crl.O.P.No.6486 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police relating to the case of “woman missing” and later altered to Sections 417 and 376(2)(n) of IPC in Crime No.99 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Velmurugan is that the accused on the false promise of marrying his daughter, had sexual intercourse with her and later cheated her. Hence the complaint.

3. The learned counsel for the petitioner submitted that there was a love affair between the petitioner and the defacto complainant's daughter. He would further submit that the petitioner had agreed to marry the victim after completion of his studies, whereas, the defacto complainant, who is the father of the victim, has given a false complaint as against the petitioner as if the petitioner has refused to marry the



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victim. He would further submit that the petitioner and his parents have filed an affidavit before this Court and undertakes to perform the marriage between the petitioner and the victim after the completion of his course. Hence, he would seek grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that on the false promise of marrying the victim, who is the daughter of the defacto complainant, the petitioner had sexual intercourse with the victim and later he refused to marry her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and also the affidavit of undertaking given by the parents of the petitioner and the petitioner, 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 Court at Arni, Thiruvannamalai District** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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/trial Court 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 every Sunday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.



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[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] 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, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

26.06.2023

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