



Crl.O.P.No.6637 of 2023

Crl.O.P.No.6637 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417, 420 and 376 IPC, in Crime No.46 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sangeetha is that she and the 1st accused Ram Prasad were working in the same company and were engaged in a Live-in relationship due to which, she became pregnant. On 01.11.2022, medical test was conducted in Chettinadu Hospital, Karapakkam wherein, her pregnancy was confirmed. Immediately, the defacto complainant informed to the family members of the 1st accused about her pregnancy. The family members of the 1st accused asked her to abort her pregnancy and they assured her that they will arrange their marriage at later date. Believing their words, she aborted her pregnancy on 09.11.2022 and thereafter, the defacto complainant and the 1st accused were living separately. While so, the 1st accused switched off his mobile phone and when the defacto complainant contacted the sister and uncle of the 1st accused, they abused her in filthy



CrI.O.P.No.6637 of 2023

language and also refused to arrange marriage with the 1st accused.

Further, the 1st accused had taken away the jewels of the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioners are respectively the sister and brother-in-law of the 1st accused and they were not aware of the relationship between the defacto complainant and the 1st accused. Even as per the prosecution version, the main allegation is only against the 1st accused and the 1st accused has already been arrested and still in judicial custody. He would reiterate that the petitioners have nothing to do with the relationship between the defacto complainant and the 1st accused and they have been unnecessarily roped into this case. Hence, he prayed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.6637 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners are the sister and uncle of the 1st accused. The 1st accused and the defacto complainant were in a live-in relationship due to which, the defacto complainant became pregnant. Hence, the petitioners along with the 1st accused compelled the defacto complainant to abort her pregnancy by assuring that they would arrange marriage at later point of time. Believing their words, the defacto complainant aborted her pregnancy. Later, the accused refused to arrange marriage as assured by them. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor/defacto complainant would submit that the petitioners are none other than the sister and uncle of the 1st accused. Only on their compulsion, the defacto complainant had undergone abortion. But later, they have refused to arrange marriage as assured by them. Further, the jewels of the defacto complainant are with the custody of the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.



CrI.O.P.No.6637 of 2023

WEB COPY

6. Heard the learned counsel on either side and perused the materials available on record including the statement recorded from the victim/defacto complainant under Section 164 Cr.P.C.

7. Considering the above facts and circumstances of the case and the submissions made on either side of the parties, 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 Additional Mahila Court (Judicial Magistrial Level), Alandur**, on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) with two sureties** 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



CrI.O.P.No.6637 of 2023

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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

The 2nd petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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.



CrI.O.P.No.6637 of 2023

WEB COPY

[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 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.

17.04.2023

ksa-2



WEB COPY



Crl.O.P.No.6637 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.6637 of 2023

17.04.2023