



Crl.O.P.No.6898 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 493 and 417 IPC in Crime No.08 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sammena aged 28 years is that, she has completed B.Tech and is working at Kochin. When she was studying 10th standard, she got acquainted with Nagenthiran/petitioner herein and they fell in love with each other. Later, it came to the knowledge of both families, and since the families objected, they have discontinued their relationship. Later, during the year 2016, they met again and during such time, the accused on the promise and assurance of marrying her, had sexual intercourse with defacto complainant on number of occasions and the petitioner has also taken an amount of Rs.1,50,000/- and 2 sovereigns of gold from her. During March 2022, the accused had asked her for a bike and iphone and she agreed to buy one plus phone, whereas, the accused refused to speak



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her and later, she came to know that the petitioner got married to some one else. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that admittedly even as per the prosecution, the petitioner and the defacto complainant were stated to have been in love affair for the past 10 years. He would submit that there was a consensual relationship between the petitioner and the defacto complainant, whereas, a false complaint has been given, as if the petitioner had cheated her. He would submit that it is not a case where the petitioner had induced the defacto complainant only for satisfying his lust. It is a case, where two matured adults have been in relationship for several years and the relationship between them was consensual in nature. 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, on false promise of marrying



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the victim, had sexual intercourse with her and later cheated her and married another girl. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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-I, Pollachi**, 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



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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 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., for a period of two weeks and thereafter every Sunday 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



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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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