



Crl.O.P.No.6912 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 306, 511 of IPC and Section 4 of Prohibition of Harassment of Women Act, 2002, in Crime No.32 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/deceased namely Ms.Gayathri is that she and the first accused namely Mr.Prakash were in love with each other for the past one year. At that time, the first accused gave sexual torture to the defacto complainant/deceased through video calls by way of insisting her to remove her dress, whereas, she refused to do so. Suddenly, the first accused has stopped talking and ignored her. During which, the defacto complainant/deceased came to know that the first accused was in relationship with another girl who is studying in the same college and when the same was questioned, there as a quarrel between them. Thereafter, when



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the defacto complainant/deceased went to the room of the first accused to meet him, the first accused along with A2 who is his friend/petitioner herein insulted her by abusing her in filthy language, due to which, the defacto complainant/deceased committed suicide by self immolation and a little later, she died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case only for the reason that the petitioner and the first accused are friends. He would further submit that the petitioner had also appeared before the respondent police during enquiry and submitted his oral reply. He would also submit that the first accused was already granted bail by this Court on 13.03.2023 in Crl.O.P.No.5763 of 2023 and that the petitioner is ready and willing to furnish sufficient solvent sureties and to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for the grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the first accused and the victim were in a relationship. At that time, the first accused had given a sexual torture to the victim girl through video calls and later, he severed the relationship. Further, the first and second accused / petitioner herein, have insulted and abused the victim girl in filthy. Unable to bear the humiliation, the victim girl set herself ablaze. He would further submit that the dying declaration of the victim has also been recorded. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also of the fact that the 1st accused has been granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. 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, Gudiyatham, on condition that the petitioner shall execute a bond 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 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;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[d] the petitioner shall not abscond either during investigation or trial;

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[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]***; and;

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

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