



Crl.O.P.No.7770 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 417 and 506(ii) of IPC, in Crime No.2 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant / Madhumitha, aged 24 years, is that she got acquainted with A1 namely Sundaramoorthy and they were in love with each other for the past three years. While so, A1 shifted to Vadapalani and he was staying in a lodge and used to call the defacto complainant to the lodge. During December 2022, the defacto complainant has gone to the room of A1, during such time, A1, on the false promise of marriage, had sexual intercourse with her and later, on the assurance, had also called her on several occasions for having sexual intercourse, due to which, she became pregnant. When she has informed about the same to A1, A1 advised her to take Papaya and other native medicines and he has also threatened her by stating that he will commit suicide. On his compulsion, the defacto complainant took native medicine



and the pregnancy got aborted. On 26.02.2023, the defacto complainant has compelled A1 to marry her and later, he switched off his phone and absconded. When the defacto complainant informed about the same to the parents of A1, who are A2 and A3, they have threatened her by stating that she could not marry their son. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and the first petitioner and the defacto complainant are grown up matured adults and they know the consequences of the act. He would further submit that there was a love affair between the first petitioner and the defacto complainant for the past three years and there was a consensual relationship between them. The defacto complainant had indulged in sexual act with A1 after knowing the consequences and later, due to some misunderstanding, the parents of the first petitioner, who are A2 and A3, did not agree for the marriage, whereas, a false complaint has been given. He would further submit that it is not a case where the first petitioner had induced the defacto complainant to satisfy his lust alone. He would also submit that the petitioners are ready to abide by any stringent



Crl.O.P.No.7770 of 2023

condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the first petitioner had induced the defacto complainant and had sexual intercourse with her, due to which, she became pregnant. On his compulsion, she has aborted her pregnancy and later, he has absconded. Thereafter, the defacto complainant has informed about the same to the parents of the first petitioner, who are the petitioners 2 and 3, they have threatened her and also harassed her. He would further submit that the investigation is still pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.



Crl.O.P.No.7770 of 2023

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Pallavaram, on condition that the petitioners shall execute a separate 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 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.



CrI.O.P.No.7770 of 2023

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders; the petitioners 2 and 3 shall report before the respondent Police daily at 10.30 a.m., for a period of four 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;

[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;

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Crl.O.P.No.7770 of 2023

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