



Crl.O.P.No.8105 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 417, 420, 376(1), 294(b), 506(i) IPC in Crime No. 37 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Priyadharshini is that she got acquainted with A1/SenthilKumar through Tamil Matrimonial. A1 has come to defacto complainant's house for marriage proposal. The marriage proposal between the defacto complainant and A1 was confirmed by both the families. On 29.08.2021, A1 celebrated the defacto complainant's birthday along with his friends at her home. Whiles, on 17.09.2021, when she was alone in her house, A1 had sexual intercourse with her. Then, he had gone to Madurai. Later, when the defacto complainant had attempted to contact A1 over phone, he never responded and blocked her phone number. The defacto complainant informed her parents and the defacto complainant along with her father had gone to the house of A1 at Madurai and at the time



Crl.O.P.No.8105 of 2023

the petitioner, who is the elder brother of A1 had abused the defacto complainant and her father with filthy language and also threatened them. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. As per the complaint, major allegations are attributed as against A1, who is the main accused. As per F.I.R, it is found that there is a consensual sexual relationship between A1 and the defacto complainant and A1 is stated to have cheated the defacto complainant. Further allegation is that the petitioner being the brother of the first accused is stated to have threatened the defacto complainant and her father at later point of time. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.8105 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner is the elder brother of the first accused. The first accused has contacted the defacto complainant through matrimonial website and the first accused wishes to marry the defacto complainant. During their courtship, the first accused had sexual intercourse with the defacto complainant and later cheated her. When the defacto complainant along with her parents has gone to the house of the first accused at Madurai, the petitioner who is the elder brother of A1, abused her with filthy language and criminally intimidated her. The first accused has been arrested and the statement has also been recorded from the victim under Section 164 Cr.P.C., Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Learned counsel for the intervenor submitted that the petitioner is none other than the elder brother of the main accused Senthil Kumar. The said Senthil Kumar had come to the house of the defacto complainant for marriage proposal and agreed to marry her. Later during the courtship, he had sexual intercourse with her. After some time, he



CrI.O.P.No.8105 of 2023

discontinued his relationship with the defacto complainant. When the defacto complainant questioned the same, the petitioner along with A1/Senthilkumar had threatened the defacto complainant to withdraw the complaint.

6. Heard both sides and perused the materials available on record including the FIR and the statement recorded from the victim under Section 164 Cr.P.C.,

7. Taking into consideration the facts and circumstances of the case and the main allegations are attributed only as against the main accused Senthil Kumar and the allegation against the petitioner is that he threatened the defacto complainant and her father, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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**



Crl.O.P.No.8105 of 2023

Judicial Magistrate, Sriperumbudur 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 day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., until further orders.

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



Crl.O.P.No.8105 of 2023

[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.

9. Accordingly, the Criminal Original Petition is ordered.

07.06.2023

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Crl.O.P.No.8105 of 2023

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.8105 of 2023

07.06.2023