



CrI.OP.No.8469 of 2023

CrI.O.P.No.8469 of 2023

S.SOUNTHAR, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 & 376 of IPC in Crime No.3 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner along with the second petitioner/mother had promised to marry the defacto complainant and had intercourse on several occasion and the first petitioner had refused to marry the defacto complainant. Hence, this complaint.

3. The learned counsel for the petitioners submitted that he may be permitted to withdraw this petition in respect of the first petitioner and as far as the second petitioner/mother is concerned, he prays to grant anticipatory bail.



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4. The learned Government Advocate (Crl.Side) raised formal objection and opposed to grant anticipatory bail to the petitioners.

5. In view of the endorsement made by the learned counsel for the petitioners seeking permission to withdraw petition in respect of the first petitioner, his petition is dismissed as withdrawn as regards first petitioner.

6. Having regard to the allegations made against the second petitioner and other facts and circumstances, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tambaram, on condition that the second 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



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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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the second 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

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