



Crl.O.P.No.9430 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 alleged offences punishable under Sections 417 and 376 of IPC, in Crime No. 4 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ms.X, is that, she and the accused were working in the private company at Villupuram and that they had fell in love with each other and later they joined in another company in the year 2017 at Chennai. While so, on 10.12.2017, they got married at Marutheeswarar temple in the presence of friends and photographs have also taken. Subsequently, they agreed that they will inform about their marriage to their parents after sometime and they were lived as husband and wife at Thiruvanmiyur. During such time, she got pregnant and that on March 2018 she fell down and she was taken to New Life Hospital at Tambaram and on advice of the Doctor D & C was done. Later on, 24.03.2020 the defacto complainant had gone to the parents house and the accused had gone to his parents house. While so, after sometime, the accused sister called her and informed her



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that his brother was getting to marry someone. She came to know that the accused had married some other person. Hence, the case,

3. The learned counsel for the petitioner would submit that the petitioner is aged about 33 years and the defacto complainant is aged about 30 years and both of them are matured adults and they were aware of the consequences and they are consensually in relationship for several years. Later due to pressure by both of their parents, they got separated and later the petitioner was married to someone and a false complaint has been given as if the petitioner has abused her and also cheated her. He further submit that originally the case was registered before the Abiramam Police Station, Ramanathapuram District during the year 2020 and later the case has been transferred to the file of the present respondent police. He further submit that the petitioner is ready to appear for enquiry. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had induced the defacto complainant and the promise of



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marriage had sexually intercourse with her and later she had left her and marry some other person. He further submit that the investigation is still pending. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 Court-IV, Saidapet, Chennai**, 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



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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 everyday 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 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.

05.06.2023

drl

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