



Crl.O.P.No.8704 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 417, 376(2)(n) and 506(ii) of IPC, in Crime No.4 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are relatives. There are two accused, in which the petitioner is arrayed as A1. A2 is the father of A1. On the guise of false marriage, the petitioner/A1 had sexual relationship with the defacto complainant, due to which, she got pregnant. When the defacto complainant complained the same to A2, A2 abused the defacto complainant in filthy language and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as



Crl.O.P.No.8704 of 2023

alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that there are two accused, in which the petitioner is arrayed as A1. A2 is the father of A1. On the guise of false marriage, the petitioner/A1 had sexual relationship with the defacto complainant, due to which she got pregnant. Thereafter, she delivered a baby and the baby died. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Arni, on condition that the petitioner shall execute a



CrI.O.P.No.8704 of 2023

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 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. for a period of two weeks and thereafter as and when required for interrogation.

[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]**.



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Crl.O.P.No.8704 of 2023

K.KUMARESH BABU, J.

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

17.05.2023

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Crl.O.P.No.8704 of 2023