



Crl.O.P.No.8853 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 406, 420, 354(D), 376 and 506 (ii) of IPC, in Crime No.663 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complaint Monisha Sinha is that the 1<sup>st</sup> accused got introduced to her during the year 2021 and he had represented that he was having a dispute with his wife and thereafter he had come to the house of the defacto complainant and lived with her. Subsequently, he had also taken a room and they were living together and only after some time she came to know that the 1<sup>st</sup> accused was a drug addict and he had tortured the defacto complainant and taken her jewels and subsequently, without attending the clinic, he used to sit in the house and take drugs along with his friends and always in drug addiction he had compelled her and had sexual intercourse



against her will. Later, she came to know that the 1<sup>st</sup> accused was having relationship with several other persons. When the defacto complainant informed to his mother, his mother had stated that the 1<sup>st</sup> accused was having private photographs of her and that they could be uploaded in the social media. While so, on 25.02.2022, the 1<sup>st</sup> accused had given sleeping tablets to the defacto complainant and taken all the things from her house and later the 1<sup>st</sup> accused also compelled her to be together with his other friends. Hence, the complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A4 in this case. He would submit that other than being the friend of the 1<sup>st</sup> accused the petitioner has no nexus with the defacto complainant. The only averment made is that the defacto complainant had stated that the 1<sup>st</sup> accused had compelled her to be with the petitioner and other than that there is absolutely no material to incriminate the petitioner in this case. He would further submit that the petitioner is a software Engineer and that the 1<sup>st</sup> accused was arrested and he has been released on bail and thereby, he prays for grant of



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anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the friend of A1, A1 had abused the defacto complainant and had sexual intercourse with her against her will and also tortured her and taken her things from home. He would further submit that as per the allegation, the 1<sup>st</sup> accused had compelled the defacto complainant to be with the petitioner and other friends. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the copy of the order is made ready, before **the learned Additional Mahila Court, Alandur**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 everyday at 06.30, p.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



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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.

**26.04.2023**

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