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CrI.O.P.No.9348 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, 493, 294(b) and 506(ii) of IPC in Crime No.4 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Nagalakshmi, who is aged 21 years, is that she and the accused were in love for a year and that the accused who made her to believe that she is his wife, had intercourse with her on several occasions and thereafter, when she had asked him to marry her, the accused had refused to marry her and threatened her to do her away by setting fire on her. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are friends for more than a year



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and they are matured and grown up adults who understanding the consequences, had consensual sexual affair with each other. He would submit that it is not the case where the petitioner had cheated the defacto complainant for satisfying his lust and it was a consensual relationship between them. Hence, he would seek for grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner had induced the defacto complainant and on the promise of marrying her, had sexual intercourse with her. Later, the petitioner refused to marry her and threatened her to do away by setting fire on her. Hence, he vehemently opposed to grant 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 including the First Information Report.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, 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, Thiruthuraipoondi**, 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 conditions 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.



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

27.04.2023

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