



Crl.O.P.No.9729 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, 376(2)(n), 496, 354D and 506(i) IPC in Crime No.7 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Pooja is that when she was studying in Polytechnic, she got acquainted with the petitioner who is from the her village and they were in love for 3 years. While so, on 05.07.2019 at about 9 p.m., the accused had called her to come to the stream which is at the back side of his house for talking and when she had gone there, the petitioner on the promise of marrying her, had compelled her and had sexual intercourse with her. Thereafter when she questioned him by crying, he convinced her by saying that he would marry her. Thereafter, he used to call her near the stream behind her house often and had sexual intercourse with her on several occasions. After six months, when they were talking near the stream, the petitioner tied Thali to the defacto complainant and also taken photographs of the same. Subsequently, he removed the Thali and asked



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the defacto complainant to keep it safely and that he would discuss with his family members after two days and would marry her. Later, the defacto complainant had gone to Thiruppur for her employment and during the year 2022, when she came back to her village, she came to know that the petitioner married some other girl and was having a male child. When the defacto complainant questioned the same, the petitioner had threatened her by stating that if she does not maintain their relationship like before, he would show their photographs of tying Thali to others. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The defacto complainant and the petitioner hail from the same village. The defacto complainant is aged about 23 years and the petitioner is aged about 25 years and they are matured adults and that there was a consensual affair between them for several years. While so, the defacto complainant had left to Thiruppur for her employment and the petitioner got married to a girl from the same village and out of the wedlock, he has got a male child. After 2 years, the defacto complainant



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came back and had given a false complaint that the petitioner on the promise of marrying her, had sexual intercourse with her. He would submit that it is not a case where the petitioner induced the defacto complainant with a false promise in order to satisfy his lust. Even the averments in the FIR would go to show that there was a intimate relationship between the petitioner and the defacto complainant for almost 3 years and that on several occasions, they had consensual sexual relationship. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of anticipatory bail to the petitioner stating the petitioner and the defacto complainant hail from the same village and the petitioner on the promise of marrying the defacto complainant, induced her and had sexual intercourse with her on several occasions and later, when the defacto complainant had gone to Thiruppur for employment, the petitioner has married some other girl and he has also got a child.



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

6. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 Principal District and Sessions Judge, Thiruvannamalai**, 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 petition for anticipatory bail shall stand dismissed and on



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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].



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

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