



Crl.O.P.No.9867 of 2023

Crl.O.P.No.9867 of 2023

WEB COUNCIL **S.SOUNTHAR, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376(2)(n), 294(b) and 506(i) of IPC in Crime No.5 of 2023 on the file of the respondent police, seek anticipatory bail.

2. On the complaint lodged by one Shakti / defacto complainant, the respondent police registered a case in Crime No.5 of 2023 on 13.04.2023. In the complaint given by Shakti, she has stated that Prabakaran/A1 was in love with her and on the promise of marrying her, he had physical relationship with her on several occasions. When the defacto complainant / Shakti approached Prabakaran and asked him to marry her, he refused to marry her. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution



Crl.O.P.No.9867 of 2023

and that he has been falsely implicated in this case and therefore, they may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally 4 accused. A1 had induced the defacto complainant and on giving a false promise and assurance to the defacto complainant that he will marry her, had a physical relationship with her and thereafter, cheater her. When it was questioned by the defacto complainant, the other accused who are the mother, sister and brother-in-law of A1 have threatened her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that A1 was



Crl.O.P.No.9867 of 2023

already arrested, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Polur, Thiruvannamalai District**, on condition that each of the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30, a.m, until further orders;



WEB COPY



Crl.O.P.No.9867 of 2023

S.SOUNTHAR, J.

AT

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners 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;

05.05.2023

AT

Crl.O.P.No.9867 of 2023