



Crl.O.P.No.10007 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 Section 305 of IPC read with Section 12 of Protection of Children from Sexual Offences Act, 2012 in Crime No.123 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Perumal is that his minor daughter was studying B.Com 1st year and on 09.04.2023, she was found depressed and was crying. When he enquired his daughter, she informed that the accused had induced her and had love affair with her and later, he severed her relationship and when she had questioned him, he had threatened her stating that he would disclose about their relationship and spoil her family reputation. On the same day at about 9.30 p.m., she consumed rat poison. Immediately, she was taken to hospital and subsequently, on 16.04.2023 she died. Hence the complaint.



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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. He further submitted that the petitioner and the victim girl are know to each other for a long time and there was a love affair between them. The defacto complainant/father of the victim girl was against their relationship and continuously threatened and harassed the victim girl due to which, the victim girl committed suicide and in order to escape from the clutches of law, a false complaint has been given against the petitioner. He further submitted that the victim consumed poison on 09.04.2023 and she has breathed her lost on 16.04.2023. But the respondent police have not taken any steps to record her dying declaration till her death on 16.04.2023. Hence he prayed to grant 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 that the petitioner had induced the minor victim girl and had love affair with her and later, severed her relationship. When she



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questioned him, he has intimidated her stating that he would disclose about their relationship and spoil her family reputation. Due to which, the victim girl committed suicide by consuming poison.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. 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 Judicial Magistrate cum District Munsif Court, Kalasapakkam, Tiruannamalai District**, 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



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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 stay at Chennai and report before the Inspector of Police, North Beach Police Station, 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.



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

02.06.2023

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**Copy to:
The Inspector of Police,
North Beach Police Station, Chennai.**



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