



Crl.O.P.No.10506 of 2023

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S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417 and 376 IPC in Crime No.6 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 in this case, under the guise of marrying the *de facto* complainant, had sexual intercourse with her several times and later, refused to marry her. The petitioners herein are mother and sister of A1.

3. The learned counsel for the petitioners submitted that the petitioners have nothing to do with the said allegation and they have been falsely implicated in this case. Hence, learned counsel prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that A1 was arrested and released on bail. However, he strongly opposed to grant anticipatory bail to the petitioners.



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

6. Taking into consideration the fact that the main accused viz., A1 in this case was already arrested and released on bail and also the nature of the allegation made against the petitioners in the complaint, 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 is made ready, before the **learned Judicial Magistrate, Sriperumbudur**, on condition that each of the petitioners shall execute 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 further



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condition that:

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[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 everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police as and when required for interrogation.

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

05.05.2023

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