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Crl.O.P.No.10653 of 2023

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K. GOVINDARAJAN THILAKAVADI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 of IPC and under Section 4 of TNPHW Act, 2002 in Crime No.17 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner committed penetrative sexual assault and later he refused to marry her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against this petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor for the respondent police would submit that the petitioner committed penetrative sexual assault and later he refused to marry her. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel of appearing on both sides and perused the material available on record.

6. Taking note of the facts and circumstances and the submission made by the learned counsel on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions

:-

[a] 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 Judicial Magistrate cum Additional Mahila Court, Coimbatore** failing which, the petition for anticipatory bail shall stand dismissed and on



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further condition that:

[c] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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 is 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]**.

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

10.05.2023

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