



WEB COPY



Crl.O.P.No.10795 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioners, who apprehend arrest for the alleged offences under Sections 417, 420, 506 (ii) and 109 of I.P.C. in Crime No.17 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner/A2 is the mother and petitioners 2 and 3/A3 and A4 are the sons of the first petitioner. A1, who is the first son of the first petitioner/A2, by giving false promise to marry the defacto complainant, had an intercourse with the defacto complainant and made her impregnated. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence. He also submitted that the petitioners are ready to abide by any stringent conditions that may be



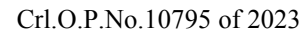
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imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that A1, petitioners 2 and 3, namely, A3 and A4 are the sons of the first petitioner/A2 and by giving a false promise to marry the defacto complainant, A1 made the defacto complainant impregnated. However, he opposed for granting anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the above 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 petitioners with certain conditions.



[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 his Aadhar card or Bank pass Book to ensure their identity;

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

11.05.2023

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