



Crl.O.P.No.11696 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 376, 313, 315 and 506(ii) of IPC, in Crime No.01 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant had love affair. While being so, the parents of the defacto complainant conducted marriage of the defacto complainant with one Bharath. Thereafter, on the instructions of the petitioner, the defacto complainant divorced her husband and on the false promise of marrying the defacto complainant, the petitioner had sexual intercourse with defacto complainant. Now the petitioner is refusing to marry the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is an innocent person. He further submitted that the petitioner



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promised the defacto complainant to marry her and she already divorced her husband and lead a separate life. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the defacto complainant divorced her husband and thereafter, on the false promise of marrying the defacto complainant, the petitioner had sexual intercourse with defacto complainant. Now the petitioner is refusing to marry the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration, the facts and circumstances of the case and the submission made by the respective counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 **learned Judicial Magistrate-I, Kancheepuram**, on condition that the petitioner 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 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 report before the respondent police daily at 10.30 a.m., 06.00 p.m., for a period of eight weeks and thereafter as and when required for interrogation.

[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.

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