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Crl.O.P.No.11433 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, 323, 294(b) and 506(ii) IPC, in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had love affair with the defacto complainant from school days. On false promise of marrying the defacto complainant, the petitioner had sexual intercourse due to which, she got conceived and delivered a male baby on 24.08.2022. Now, the petitioner had married another women. When the same was questioned by the defacto complainant, the petitioner and his family members abused the defacto complainant in a filthy language and also threatened her. 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 a false case has been foisted against him for statistical purpose. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.11433 of 2023

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted on false promise of marrying the defacto complainant, the petitioner had sexual intercourse due to which, she got conceived and delivered a male baby on 24.08.2022. He would further submit that the petitioner and his family members abused and threatened 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, 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 **learned Judicial Magistrate No.I, Ulundurpet**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



Crl.O.P.No.11433 of 2023

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 is directed to deposit a sum of Rs.5,00,000/-(Rupees Five Lakhs only) to the credit of Crime No.2 of 2023, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the defacto complainant is permitted to withdraw the above said amount by filing an undertaking of affidavit before the concerned Magistrate.

[c] the petitioner shall report before the respondent police daily at 10.30a.m for a period of four weeks and thereafter, as and when required for interrogation.

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

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



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Crl.O.P.No.11433 of 2023

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[f] 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].

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

24.05.2023

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Crl.O.P.No.11433 of 2023