



Crl.O.P.No.12040 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 376 of IPC, in Crime No. 81 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant V.Abitha Ajith, 24 years old, M.Sc Computer Science, is that she is a graduate from Pondicherry and that she had done her internship in Red box, Pondicherry from 13.01.2022 to 05.07.2022. During such time, she got acquainted with the petitioner / accused and they used to spend time together on lot of occasions. During such time, the petitioner was very cordial and later on 23.07.2022, they met in the hotel and they stayed and consumed alcohol and the accused taking advantage of the intoxication has forcibly committed penetrative sexual intercourse with her and that when she questioned the same, the accused had agreed to marry her. Further, he had married one woman named Lakshmi and later when she confronted, the accused along with their relatives had taken her to a temple in Cuddalore. Despite her resistance, the accused along with their



family members solemnized the marriage and later kept her in confinement and intimidated her. After some days on 07.12.2022, when the defacto complainant attempted to escape from confinement, she was forcefully slapped on the left cheek and also hit on her head and abused her physically and she also sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are matured adults and that they were known to each other. Later the defacto complainant got job and went to Bangalore and the relationship was also broken and he married one woman Lakshmi. The defacto complainant had blackmailed the petitioner for money and later she had had given a false complaint as if the petitioner had committed forcible sexual intercourse with her. Further, the alleged occurrence had taken place on 23.07.2022 and the complaint has given on 17.04.2023. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor, Puducherry would submit that though the petitioner and the defacto complainant are known to each other, the victim had taken advantage with her when she was intoxication



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and the accused had committed forcible sexual assault on her and that when she had questioned him, she had made false complaint on marry and later she married another women Lakshmi and when on 28.11.2022, the defacto complainant gone to Cuddalore, the accused along with their relatives had taken her to temple and marry her against her wishes and she was locked in his home. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side), including the FIR and its content.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court No.II, Pondicherry** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, for a like sum to the satisfaction of



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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 surety 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 everyday at 10.30 a.m, until further orders.

[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.

[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]**.



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

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