



CrI.O.P.No.12175 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 312, 376(2)(n), 417, 496, 506(ii) of IPC in Cr.No.05 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de facto complainant Swathy is that she and the A1 who is the son of the petitioner were in love for the past 11 years and during the year of 2015, the A1 had sexual intercourse with her, due to which, she became pregnant and later, the A1 had given her pills to abort her pregnancy. While so, the parents of the accused have taken steps to marry the accused to some other girl, thereby, the A1 and the de-facto complainant got married at Thimri Murugan Temple, without the knowledge of their parents and later, the de-facto complainant went to her home. Further, when it came to the knowledge of the de-facto complainant's mother, she along with others



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went to the accused's house and questioned the parents of the accused, during which, they threatened the de-facto complainant with dire consequences. Hence the case..

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that admittedly there was a love affair between the de-facto complainant and A1/son of the petitioner for the past 11 years and since it was objected by the petitioner's family, A1 got married with the de-facto complainant and they were living separately. Since the petitioner was father of the defacto complainant he has been implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) for the respondent submitted that the A1/son of the petitioner had a love affair with the victim girl and had a sexual intercourse with her, due to which, she become pregnant and later, aborted the same. He also submitted that



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further the A1/son of the petitioner has married the de-facto complainant without the knowledge of their parents and sent her to her parental house and attempted to marry some other girl. He further submitted that A1/son of the petitioner in this case has already granted bail by this Court in Crl.O.P.No.8283 of 2023 on 20.04.2023. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Accordingly, the petitioner is directed to be released on anticipatory 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, Arani, Thiruvannamalai District** on condition that the petitioner shall execute a 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



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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 Court concerned 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 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;

(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



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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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

26.05.2023

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