



Crl.O.P.No.12928 of 2023

Crl.O.P.No.12928 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 376, 354D, 420, 506(i) and 509 IPC in Crime No. 1 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Ferno Susai is that she and the first accused were friends while studying at Jawahar School of Architecture, Planning and Design College and during such period, they fell in love and were in continuous love affair for six years. While so, the accused on the promise of marrying the defacto complainant, took her to a resort and had physical relationship with her due to which, she became pregnant and later, he refused to marry her and when she informed the same to his parents, they along with the petitioner abused and threatened her to do her away. Hence the case.



Crl.O.P.No.12928 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner herein is the paternal uncle of the first accused. There was a consensual relationship between the first accused and the defacto complainant and based on the complaint, the first accused was arrested and later he was granted bail by this Court in Crl.O.P.No.9575 of 2023 vide order dated 27.04.2023. He would further submit that even as per the defacto complainant, the only allegation as against the petitioner is that he is alleged to have intimidated the defacto complainant and other than that, he has nothing to do in the case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner is the paternal uncle of the first accused. The first accused had induced the defacto complainant on the false promise of marrying her, had sexual intercourse with her and thereafter, refused to marry her. Due to which, she became



Crl.O.P.No.12928 of 2023

pregnant and later on compulsion, she aborted her pregnancy and when she demanded the first accused to marry her, the first accused along with other accused persons, who are relatives had intimidated the defacto complainant. However, he would submit that A1 has been arrested and he has been enlarged on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

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 Additional Mahila Court, Egmore, Chennai** on condition that the



Crl.O.P.No.12928 of 2023

WEB COPY

petitioner shall execute a separate 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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., 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;



WEB COPY



Crl.O.P.No.12928 of 2023

[e] 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, 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 petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

14.06.2023

mfa



WEB COPY



Crl.O.P.No.12928 of 2023

A.D.JAGADISH CHANDIRA, J.

mfa

Crl.O.P.No.12928 of 2023

14.06.2023