



Crl.O.P.No.13812 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, 417 and 506(i) of IPC in Crime No.6 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Aadhira is that the petitioner got acquainted with her through face book and that the accused had promised that he would marry her after the confirmation from his parents. Later during the year 2019, the accused had taken her to Kodaikanal Hotel, where the accused had sexual intercourse with her and later he had taken her to several places and had sexual intercourse with her. Later, the betrothal ceremony was conducted on 27.12.2021 at Coimbatore and thereafter the accused had demanded money from her and later he refused to marry her. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would further submit that the fact remains is that the petitioner got acquainted with the defacto complainant through face book and with the consent of both family members betrothal ceremony was conducted on 27.12.2021, subsequently the petitioner and his family members came to know that the defacto complainant was having affair with some other person and thereby, they stopped the marriage and only thereafter a complaint has been given. He further submit that the petitioner is aged 27 years and the defacto complainant is aged 25 years and they are matured adults knowing consequence of their act and there had been consensual physical relationship between the petitioner and the defacto complainant on several occasions and it is not the case that the petitioner had induced the defacto complainant only to satisfy his lust. He further submitted that the defacto complainant family members have harassed the petitioner's family members and the mother of the petitioner had given the complaint against the defacto complainant and her family members before the Palacode Town South Police Station on 15.02.2022 and only a counter case,



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this complaint has been given against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner got acquainted with the defacto complainant through social media and thereafter, the petitioner had induced her and had sexual intercourse with her on several occasions and later, he cheated the defacto complainant. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, 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



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date on which the order copy made ready, before the learned Additional Mahila Court, Coimbatore, 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, 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 everyday at 6.30 p.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



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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;

26.06.2023

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