



Crl.O.P.No.14092 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 417, 376, 506(1) IPC in Cr.No.5 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Rithika, is that she and the first petitioner were friends for a long time and that the accused under the guise of marrying her had sexual intercourse on number of occasions. The first petitioner is alleged have promised that he would marry her but later, after some time, he had discontinued the relationship. When the defacto complainant asked the sister of the first petitioner, she had informed that they belong to two different communities, and thereby the marriage could not be performed. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in the case and they have nothing to do with the said allegation. He would further submit that the first petitioner is about 25 years and the alleged victim is aged about 23 years and that they are



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grown up adults and they had indulged in a consensual physical relationship understanding the consequences of their act. He would also submit that after the said complaint, the matter has been compromised and the defacto complainant has also filed an affidavit stating that she does not want to pursue the matter. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) for the respondent police would submit that the first petitioner had induced the victim girl on the promise of marrying her, he had sexual intercourse with her, and later cheated her. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The defacto complainant appeared along with her counsel through video conferencing. Mr.V.Rajasekar, the learned counsel for the defacto complainant / Intervenor would submit that the defacto complainant does not want to pursue the matter.

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



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7. Taking into consideration the facts and circumstances of the case and the affidavit filed by the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate Additional mahila Court, Egmore, Chennai on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the



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Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 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.

27.06.2023

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A.D.JAGADISH CHANDIRA,J.

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