



Crl.O.P.No.14737 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 323, 406, 417 & 420 IPC, in Crime No.27 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that petitioners are accused in Crime No.27 of 2023, registered for the offences under Sections 323, 406, 417 & 420 IPC. It is his further submission that the first petitioner was not in love with the defacto complainant and the allegations in this regard are totally false. There was also no promise to marry the defacto complainant and prays for anticipatory bail to the petitioners.

3.In response, the learned Government Advocate (Crl.Side) submitted that the first petitioner developed his love with the defacto complainant and on the promise of marrying her, first petitioner had sexual relationship with the defacto complainant and after that, he started



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avoiding the defacto complainant and started to have conversation with another women. He further submitted that investigation in this case is pending and if necessary, the accused would be charged under SC & ST (Prevention of Atrocities) Act and opposed this petition.

4.Considered the rival submissions and perused the records.

5.It is seen from the FIR allegations that the defacto complainant made allegations mainly against the first petitioner stating that he had sexual relationship with her on the promise of marrying her and later retracted from his commitment for the reason that she belongs to SC community. Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner.

6.However, considering the fact that the second petitioner is a woman aged about 56 years and the only allegation against her is that she refused to give consent for the marriage between first petitioner and defacto complainant, this Court is inclined to grant anticipatory bail to



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the second petitioner and the second petitioner is ordered to be released on bail in the event of her 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 No.1, Poonamallee**, on condition that the second 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 second 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the second petitioner shall not abscond either during investigation or trial.



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[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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].

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

7. Accordingly, this petition is dismissed as against the first petitioner and allowed as against the second petitioner.

03.07.2023

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