



Crl.O.P.No.16860 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 376, 417 and 506(ii) of I.P.C, r/w 66 (E) IT Act, in Crime No.14 of 2023 on the file of the respondent police, seek anticipatory bail.

2.My learned predecessor, had referred the parties to mediation. But there was no progress in that particular process. The petitioners have however appeared before the respondent when issued with notice under Section 41-A of Cr.P.C. The medical test of the de-facto complainant had been done. The first petitioner herein will also have to be subjected to the medical test. The second and third petitioners are the parents of the first petitioner and they are said to have threatened the de-facto complainant.

3. The matter had been pending before this Court now for nearly five months.

4. A counter had been filed on behalf of the respondent that the first petitioner herein had given an assurance to the de-facto complainant that he would marry her and also had physical relationship with her. It is also stated that the first petitioner threatened her that he will release her



private photographs in social media. It is also stated that, mobile phone had been recovered and the same had been forwarded to the Forensic Laboratory. The interim bail had also been granted to the petitioners.

Some finality will have to be given either by granting bail or by dismissing the application.

5. The learned counsel for the petitioners stated that particularly the first petitioner had shown bonafide by appearing before the respondent when notice had been issued under Section 41-A of Cr.P.C. It is also stated that the mobile phone had been recovered from the first petitioner. It is stated that the petitioner would come forward to co-operate during the course of the investigation. The complaint had been lodged on 07.05.2023 and the F.I.R had been registered on 09.06.2023. The respondent had sufficient number of months to proceed with further investigation.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.



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 Judicial Magistrate, Gingee**, on condition that the 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent Police on everyday at 10.30a.m., until further orders;

[c] Further, the first petitioner should also file an affidavit in Crime No.14 of 2023 before the learned Judicial Magistrate, Gingee that he would co-operate during the course of investigation and particularly,



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co-operate for subjecting himself for medical examination and for drawing of samples from his physical body and would also co-operate with respect to the investigation conducted for offence under Section 66(E) of I.T. Act and after the photographs had been delivered by him, he would provide the information that are required for investigation and also file an affidavit that he would not circulate any photographs of the de-facto complainant to anybody either individually or through social media. If there is breach of any of the particular conditions, then, the respondent or the de-facto complainant are at liberty to file application seeking cancellation of this order.

[d] The second and third petitioners shall report before the respondent police once in a week i.e., on every Saturday at 10.30a.m., for a period of four weeks;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[g] 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 petitioner released on bail by the learned Magistrate/Trial



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Court himself as laid down by the Hon'ble Supreme Court
in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

07.12.2023

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