



Crl.O.P.No.19744 of 2023

WEB COPY

Crl.O.P.No.19744 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 495 and 420 of IPC in Crime No. 59 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is having two daughters and her husband died in a road accident on 25.05.2009. Knowing fully well about the demise of the defacto complainant's husband, the petitioner approached her and expressed his willing to marry her. On 28.04.2018, marriage was held between them and after marriage, the petitioner was living with the defacto complainant and her daughters in their house. Since the defacto complainant got job in a College at Vellore, she went there. While so, the petitioner had given sexual torture to the second daughter of the defacto complainant and hence, a case in Crime No.52 of 2022 had been registered for the offence under POCSO Act, he was arrested and remanded to jail. During the



Crl.O.P.No.19744 of 2023

WEB COPY

course of enquiry, the defacto complainant came to know that the petitioner has already married one Sathya and they had one female child. Suppressing his earlier marriage, he married the defacto complainant. During their relationship, the defacto complainant had paid a sum of Rs.20 lakhs to the petitioner through bank transaction. Hence, the case in Crime No.59 of 2022 has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded by the respondent police in Crime No.52 of 2022 and thereafter, he was released on bail and during trial, the case in Crime No.59 of 2022 was registered. He would also submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the



Crl.O.P.No.19744 of 2023

WEB COPY

respondent Police would submit that the petitioner, suppressing his earlier marriage, married with the defacto complainant and sexually harassed the defacto complainant's younger daughter and also received a sum of Rs.20 lakhs from her and cheated her. He would further submit that the petitioner is already facing trial in Crime No.52 of 2022. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. After hearing the parties, I find that initially the defacto complainant married one person and he died in a road accident on 25.05.2009. Thereafter, the defacto complained got married with the petitioner on 28.04.2018 and due to matrimonial discord, the complaint under POCSO Act has been given and the same has been taken on file and he was arrested and remanded. After spending 108 days in jail, he was granted bail. Thereafter, the defacto complainant filed a complaint in Crime No.59 of 2022 stating that during their relationship, the accused got married with another woman and the marriage of the year is 2018 and she has chosen to give the complaint in the year 2022.

6. Taking into consideration the facts and circumstances of the



Crl.O.P.No.19744 of 2023

WEB COPY

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 **Judicial Magistrate, Additional Mahila Court, Coimbatore**, on condition that the petitioner shall execute a 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 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 daily



CrI.O.P.No.19744 of 2023

at 10.30 a.m., for a period of four weeks and thereafter, shall appear before the respondent police as and when required for interrogation.

[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 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;

25.08.2023

ata

RMT.TEEKAA RAMAN, J.

ata



WEB COPY



Crl.O.P.No.19744 of 2023

Crl.O.P.No.19744 of 2023

25.08.2023