



Crl.OP.No.21833 of 2023

Crl.O.P.No.21833 of 2023

C.V.KARTHIKEYAN,J.

The petitioner/A1 seeks anticipatory bail in Crime No.385 of 2023 registered by the respondent police for the offences punishable under Sections 417 and 420 of IPC @ 294(b), 354, 506(1), 417, 420 of IPC.

2. It is the case of the respondent is that the defacto complainant had lodged a complaint that she was in relationship with the accused who accepted to marry her. Later, he refused. Under those circumstances, the defacto complainant had given a complaint.

3. The petitioner had come over from Sharjah and had participated during enquiry and had also expressed intention that he is not willing to marry the defacto complainant. This issue will then have to be examined during the course of trial. Whether the petitioner had held out a promise of marriage and whether there was a breach of such promise is an issue for trial. It is also stated that A2 had been arrested and released on bail on the same day by the learned Magistrate. Medical examination of the petitioner had also been conducted.



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4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

5. 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 *learned Judicial Magistrate, Thiruthuraipoondy* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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.



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[b] the petitioner shall report before the respondent police every day at 10.30 a.m for a period of three weeks and thereafter as and 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.

17.11.2023

Vv



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