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Crl.O.P.No.23548 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 406, 294(b) and 506(i) IPC @ 417, 406, 294(b), 506(i), 376 IPC and Section 67 of Information Technology Act, 2000 in Crime No.8 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had relationship with the 1st accused / brother of the petitioner herein and also had sexual intercourse and thereafter, there were disputes, necessitating lodging of complaint and registration of First Information Report.

3.It is stated that the allegation against the petitioner is that, he had threatened the defacto complainant.

4.The learned counsel for the petitioner very specifically stated



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that Section 67 of Information Technology Act, 2000 would not be attracted to the petitioner or even Section 376 IPC. He further stated that the 1st accused had been taken into custody and subsequently, had been released bail. Hence, he prays for grant of anticipatory bail to the petitioner herein.

5. Taking into consideration the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner and **he should co-operate with the investigation and also with respect to the allegation of photos have been taken of the defacto complainant by the 1st accused. If it is found that he does not co-operate with the investigation, necessary application may be filed to cancel this order, granting anticipatory bail and with certain conditions.**

6. Accordingly, the petitioner is 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 District Munsif -cum- Judicial Magistrate, Nannilam, on condition that



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the 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 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 at 10.30 a.m., for a period of three weeks and thereafter 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



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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.

12.10.2023

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