



Crl.O.P.No.25667 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.19 of 2023 registered by the respondent Police for the offences under Sections 354(D), 376, 506(i) IPC and Section 67 Information Technology Act.

2.The learned counsel for the petitioners stated that, they have been falsely implicated as accused in this case. Apprehending arrest from the respondent police, he seeks bail to the petitioner.

3.The learned Government Advocate (Criminal side) stated that A1 is the son of the present petitioners. He had given an intoxicating drug to the victim and thereafter taking advantage of her condition had committed the offence under Section 376 IPC. Photographs were also taken.

4.This is the 2nd anticipatory bail petition. I am not able to understand the



CrI.O.P.No.25667 of 2023

aspect of successive anticipatory bail petitions being filed, orders being passed by this Court, and the respondent police not taking the accused into custody and thereafter, again and again anticipatory bail petitions being filed, orders being passed and again the respondent police not taking the accused into custody. Atleast this time, they should take appropriate steps.

5.The earlier anticipatory bail petition filed by the petitioners in CrI.O.P.22897 of 2023 had been dismissed. The stand of the counsel at that time was that the petitioners were ignorant of the entire issue, but still that petition was dismissed. Today, the learned counsel for the petitioners pointed out the statements in the First Information Report wherein it is alleged that the petitioners herein had stated that A1/their son will behave in the manner in which he behaved and that the defacto complainant can do whatever she wants.

6.The learned counsel for the petitioners also placed reliance on the order of



Crl.O.P.No.25667 of 2023

the Hon'ble Supreme Court of India in **Crl.A.No.442 of 2022** in the case of

Mandar Deepak Pawar vs. the State of Maharastra & another. In that case, parties were in consensual relationship on an assurance of marriage. But however, in the case on hand, I do not find any consensus in relationship. The accused had given an intoxicating drug to the victim, calling it as a medicine and took advantage of her condition. Therefore, this judgment is not applicable to the facts of this case.

7.Taking all these factors into consideration, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

09.11.2023

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CrI.O.P.No.25667 of 2023

CrI.O.P.No.25667 of 2023

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