



CrI.O.P.No.32100 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 312, 420, 376 IPC, in Crime No.176 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Nathiya is that she is a widow and the petitioner got acquainted with her and they were in love for about 8 months. While so, on 18.05.2022, the petitioner on the false promise to marry her, had sexual intercourse with her, due to which she become pregnant. On knowing the same, the petitioner along with the other accused compelled and harassed her to abort the pregnancy and also by intimidating her to take tablets for aborting the foetus and aborted her pregnancy. Hence the case.

3. Learned counsel for the petitioner submitted that this is the second bail application of the petitioner before this Court and the earlier bail



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application in Crl.O..No.28064 of 2022 was dismissed as withdrawn. He further submitted that the co-accused in this case have been granted anticipatory bail by this Court in Crl.O.P.No.29025 of 2022 vide order dated 30.11.2022. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A1) induced the de-facto complainant, on the false promise of marrying her, had sexual intercourse with her, due to which, she become pregnant. He further submitted that the petitioner on coming to know about the pregnancy of the de-facto complainant, threatened her to abort it and forcibly gave tablets to her and aborted the foetus. He also stated that the statement under Section 164 Cr.P.C., was also recorded from the victim girl and the investigation is almost completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the investigation is almost completed, 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 **learned District Munsif Court cum Judicial Magistrate, Gumudipoondi**, on condition that 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



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satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stands 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 everyday at 10.30 a.m., for a period of two months 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 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]**;



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

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