

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No. 8902 of 2023**

**ORDER:**

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in connection with Crime No.463 of 2022 dated 03.12.2022 on the file of Nirmal Town Police Station, Nirmal District registered for the offences punishable under 417, 420 and 506 of Indian Penal Code (for short 'IPC').

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The Nirmal Town police registered a complaint on 03.12.2022 for the offences under Sections 417, 420 and 506 of Indian Penal Code. The *de facto* complainant lodged a complaint stating that she was married women and blessed with three children. Her husband went to Dubai for livelihood. This petitioner got acquainted with her and developed physical intimacy. The petitioner

allegedly asked the *de facto* complainant to leave her husband and take divorce. In the year 2018, the *de facto* complainant has taken divorce from her husband and an amount of Rs.6,00,000/- and 11 tulas of gold was with her. That the petitioner made the *de facto* complainant believe that he would be marrying her and for the purpose of business he had taken an amount of Rs.6,00,000/- and 11 tulas of gold. They were in live-in relationship and insisted petitioner to marry but he refused. There was a panchayath held in the presence of elders in which the petitioner agreed to pay an amount of Rs.7,00,000/- and also executed a written document. The amount was not paid and the petitioner had convinced her that he is going to marry her. However, marriage did not take place and for the reason of cheating her, the complaint was filed.

4. Learned counsel for the petitioner would submit that the allegation of cheating is punishable up to seven years and the petitioner was not arrested when the crime was registered. However, the police have altered the

Section of law by adding Section 376 of IPC and now are trying to apprehend the petitioner. Notice under Section 41-A Cr.P.C was also issued on 29.01.2023 and the petitioner had appeared and given his version.

5. On the other hand, Learned Additional Public Prosecutor would submit that the police have added Section 376 of IPC and accordingly the petition deserves to be dismissed.

6. As seen from the complaint the petitioner and *de facto* complainant were in a relationship for nearly seven years. There is no other evidence which was collected after the complaint on 03.12.2022. The reasons mentioned in the alteration memo are the same which form part of the complaint.

7. However, keeping in view that there was no allegation of rape earlier and on the same facts since the police are now trying to arrest the petitioner, this Court deems it appropriate to grant relief of anticipatory bail subject to the following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Nirmal Town Police Station, Nirmal District on 29.09.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused shall appear before the concerned police on every Monday and Wednesday for a period of eight weeks.
- 3) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 25.09.2023  
dsv/ds

---

**K.SURENDER, J**

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.8902 of 2023**  
**Dt.25.09.2023**

dsv/ds