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CrI.O.P.No.1416 of 2024

C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417 and 420 of IPC in Crime No.5 of 2023 on the file of the respondent, seeks anticipatory bail.

2.It is stated that the petitioner had physical relationship with the defacto complainant, consequent to which, a child had also been born. The allegation of the defacto complainant is that the petitioner had failed to keep up his promise that he would marry her.

3.When the matter was taken up for consideration on 30.01.2024, this Court had given protection from arrest to the petitioner and directed the petitioner to take a mature decision relating not only to his future but also the future of his young infant.



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4.It is stated that though the petitioner is ready and willing to marry the defacto complainant, who however, for the present, is not willing to marry the petitioner. But, it would only be advisable that the petitioner deposits a reasonable amount to the credit of Crime No.5 of 2023 for the benefit of the child, which would come to the assistance of the child when the child grows up.

5.I would leave it to the discretion of the petitioner to so deposit any particular amount to the credit of crime No.5 of 2023 before the learned Judicial Magistrate, Ooty. On such deposit, the learned Judicial may transfer the amount to any interest earning Fixed Deposit in anyone of the Nationalized Banks and retain it till conclusion of trial and thereafter, hand it over to the petitioner and during the course of trial or at any other point, if the defacto complainant is willing, the amount may be handed over to her for the benefit of the child.

6.Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner.



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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 Judicial Magistrate, Ooty, 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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C.V.KARTHIKEYAN, J.

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[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.

16.02.2024

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