



Crl.O.P.Nos. 8672, etc of 2024

Crl.O.P.Nos.8672 of 2024 & 26342 of 2023

C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 376 of IPC in Crime No. 15 of 2023, seek anticipatory bail.

2. It is stated that the defacto complainant is said to have relationship with the first accused though he was married. The relationship continued and the first accused had also committed the offence which comes under Section 376 IPC. There is also a child in the womb of the defacto complainant, which is now eight months old.

3. The learned counsel for the petitioners states that an agreement had been entered into between the petitioners and the defacto complainant and that a total sum of Rs.20,00,000/- was agreed to be paid to the defacto complainant and that Rs.10,00,000/- had been paid and there is a delay in payment of second instalment. Therefore, complaint was lodged. It is also contended that defacto complainant knew about the first marriage of the first accused and had willingly submitted herself to physical relationship with the first accused. Thus, he prayed for grant of anticipatory bail to the petitioners.

4. The earlier applications seeking anticipatory bail was dismissed on 16.10.2023. To determine about the facts that a sum of



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Rs.10/- lakhs have been paid, the Inspector of Police was asked to present in Court. Accordingly, P.Mohanavalli, Inspector of Police, SRMC AWPS, Chennai / the Investigating Officer is present in Court.

5. The respondent had shown the receipt for payment of Rs.10/- lakhs.

6. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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 Judicial Magistrate, Sriperumbudur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

8. The petitioner/A-1 in CrI.O.P.No. 8672 of 2024 must deposit the balance sum of Rs.10,00,000/- on or before 30.06.2024, failing which, the respondent is at liberty to move application seeking cancellation of this order.

29.04.2024

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