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Crl.O.P.No.10574 of 2024

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 417 of IPC and subsequently altered the offences under Sections 417, 312, 306 and 376 (2)(A) of IPC and 5(L) of POCSO Act in Crime No.19 of 2023, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that petitioner and the de-facto complainant were in relationship for the past 10 years and they were in physical relationship on various occasions, the defacto complainant states that the petitioner gave her false hope and promise that he will marry her and made her to be in the physical relationship. The defacto complainant believe the words of the petitioner and asked the petitioner to marry her but the petitioner refused to marry her. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence

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as alleged by the prosecution. He would also submit that he has been falsely implicated in this case and he will abide by any condition that may be imposed by this Court. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that on false promise the petitioner have physical relationship with the defacto complainant and thereafter refused to marry her. He further submits that there is no previous case against the petitioner. However, he opposed for granting anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the learned counsel on either side and that there is live in relationship between them, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned***

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Additional Mahila Court, Thiruvannamalai 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 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 Station on every Tuesday and Thursday at 10.30 a.m, for a period of four months;**

[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

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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;

29.04.2024

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T.V.THAMILSELVI, J.

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