



Crl.O.P.No.10764 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.1 of 2024 registered by the respondent Police for the offences punishable under Sections 376(1) and 417 of IPC with respect to an occurrence on 10.06.2023.

2. It is the case of the defacto complainant that she and the petitioner herein were in continuous relationship and also had physical relationship. After that, the petitioner refused to marry her.

3. It is the contention of the learned counsel for the petitioner that the defacto complainant was already married with one Sankar three years back and she had another relationship with one Manirathinam. The learned counsel for the petitioner had denied that the petitioner had relationship with the defacto complainant.

4. The earlier application seeking Anticipatory Bail was dismissed by this Court on 11.03.2024 in Crl. O.P. No.1629 of 2024. The petitioner is in the Police Department and it is therefore very evident that even if this



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Anticipatory Bail petition is dismissed, the respondent would not take him into custody. A status report has been filed, wherein it had been stated that the respondent has recorded the statement of 6 witnesses. The victim had also been sent for medical examination and report had also been received.

5. Taking into consideration the fact that the respondent has not acted even though the earlier application for Anticipatory Bail was dismissed, 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 days from the date on which the order copy made ready, before the learned Additional Mahila, Salem, 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:



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[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., until further orders.**

[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]**.

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

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