



Crl.O.P.No.14129 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 376(2)(n), 417, 315, 294(b) and Section 506(ii) of I.P.C., in Crime No.787 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant was in love with the petitioner and on 09.11.2019, when she returning from the temple, the petitioner had taken her and compelled for sexual intercourse and also promised to marry her. Thereafter, he had intercourse with her on several occasions due to which she become pregnant and the petitioner compelled her to abort the child and caused injury to her, due to which, she suffered abortion. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent. He has been falsely implicated in this case. He further submits that though this Court granted anticipatory bail on 07.08.2020, in Crl.O.P.No.11294 of 2020, due to COVID-19 inadvertence, the petitioner



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had not executed the sureties. Hence, the present petition has been filed seeking anticipatory bail to the petitioner.

4. The earlier application seeking Anticipatory Bail had been dismissed by this Court on 19.10.2023 in Crl. O.P. No.22551 of 2023. It is stated that final report has been filed in PRC.No.21 of 2023 before the learned Judicial Magistrate No.II, Jayankondam and summons had been issued to the petitioner and also to the other accused.

5. Taking into consideration the fact that the earlier application seeking Anticipatory Bail was dismissed on 19.10.2023 and the respondent had not taken any steps to secure the accused and even before the learned Judicial Magistrate No.II, Jayankondam, there seems to be no progress, anticipatory bail is granted 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 Judicial Magistrate No.II, Jayankondam, on condition that the petitioner shall execute



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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., 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***



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[(2005)AIR SCW 5560].



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

03.07.2024

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