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Crl.O.P.No.14766 of 2024

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P.DHANABAL,J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 376(1) of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act along with Section 417, 294(b) and 506(i) of IPC in Crime No.52 of 2023 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein had tied thali to the defacto complainant and both were in physical intimacy with each other. Thereby, the defacto complainant was pregnant. When the same was informed to the petitioner's father/A2, she was ill treated and verbally abused. Hence, the case,

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He also submits that the petitioner's father/A2 was



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enlarged on anticipatory bail by this Court vide order dated 13.03.2024 in Crl.OP.No.2459 of 2024. He further submits that he is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned counsel appearing for the Intervenor submits that the petitioner/A1 had already married and divorcee and the same has been suppressed from the defacto complainant. The petitioner had physical relationship with the petitioner by making false promise to marry her, following which she was pregnant. Later, he refused to marry her. Since the petitioner was not taken care of the defacto complainant, she suffered a huge blood loss and miscarriage at the 8th month of her pregnancy. Hence, she vehemently opposed for granting anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the defacto complainant had physical relationship with the petitioner and thereby she was pregnant. This Court dismissed the petitioner's anticipatory bail application vide order dated 06.12.2023 in



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Crl.OP.No.24899 of 2023. Hence, he strongly opposed for the grant of anticipatory bail to the petitioner

6. Heard the learned counsel for the petitioner, learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side, and considering the fact that the case is pending from 21.10.2023 and there is a progress to complete the investigation and the co-released was released on anticipatory bail and the dispute between the defacto complainant and A1 in respect of marriage and also considering the other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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**



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Mahalir Fast Track Court, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before respondent police, everyday at 10.30 a.m., until further orders.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.08.2024

Vv



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