



Crl.O.P.No.11560 of 2024

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K.KUMARESH BABU, J.

The petitioner seeks anticipatory bail in Crime No.02 of 2024 registered by the respondent Police for the offences under Section 417 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

2. The learned counsel for the petitioner stated that the petitioner is a married person. The defacto complainant and the petitioner had love affair. Due to such relationship, she was pregnant and delivered a male child on 29.12.2023. Subsequently, on 05.01.2024, the child was dead. He further stated that the petitioner is an innocent person and a false case has been foisted against him. Thus, he prayed for grant of anticipatory bail to the petitioner.

3. The learned Government Advocate (Criminal side) stated that there is a love affair between the petitioner and the defacto complainant and she delivered a male child. Subsequently, on 05.01.2024, the child was dead. DNA test has been conducted and the report is yet to be received. Therefore, he prays for dismissal of this petition.



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CrI.O.P.No.11560 of 2024

4.Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is 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 **District Munsif cum Judicial Magistrate, Kattumannarkoil**, 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:

[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 twice in a week at 10.00 a.m., until further orders.



Crl.O.P.No.11560 of 2024

[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;

09.05.2024

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Crl.O.P.No.11560 of 2024

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