



Crl.O.P.No.12860 of 2024

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T.V.THAMILSELVI.J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 376 C(a), 312 and 506(2) of IPC, in Crime No.19 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that de facto complainant living separately and she was worked under the petitioner as an assistant in his advocate office at Dharmapuri. On 15.02.2019, the petitioner misbehaved with the de facto complainant in his office itself. While being so the petitioner insisted de facto complainant to divorce her husband and he married her in Palani Murugan Temple on 17.03.2019, but not lived with her thereby cheated the de facto complainant. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an advocate by profession and he is an innocent person



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and he has been falsely implicated in this case. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioner had sexual relationship with the defacto complainant and on his belief de facto complainant divorced her husband and that she has got one child. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Intervenor raised strong objection by stating that the de facto complainant is a client long back to the petitioner and after obtaining divorce, at his compulsion she lived with the petitioner. Now the petitioner left her along with the male child and made stand in the street.

6. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 **Additional Mahila Court, Dharmapuri**, 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 stands dismissed and on further condition that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs) to the credit of Crime No.19 of 2024 before the Additional Mahila Court, Dharmapuri within two weeks from the date of receipt of a copy of this order and on such deposit, the



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de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall appear before the respondent police as and when required;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 Judge himself as laid down by the Hon'ble Supreme Court



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in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*;
and;

(g) if the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

8. Considering the nature of dispute between the parties, the matter is referred for mediation in order to resolve the dispute amicably between the parties for not less than three sittings. Therefore, both the petitioner and the de facto complainant are directed to appear before the Mediation Centre, Dharmapuri on 19.06.2024.

04.06.2024

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T.V.THAMILSELVIJ.

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