



Crl.O.P.No.19246 of 2024

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P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(1), 318(2), 75(1), 75(2) of the Bharatiya Nyaya Sanhita (B.N.S.) 2023 in Crime No.401 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner promised to marry the defacto complainant and borrowed a sum of Rs.25,00,000/- from her. Thereafter, he failed to marry her and not returned the borrowed amount. It is also stated that the petitioner threatened the defacto complainant that he will morph the photographs of the petitioner and share the same in social media. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is a innocent and a false case has been foisted against them. He would further submit that the petitioner is no way connected with the said occurrence



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4. The learned counsel appearing for the intervenor submitted that she believing the sugar coated words of the petitioner that he will marry her she gave Rs.50,00,000/- to the petitioner. After receiving the amount the petitioner refused to marry her and failed to return back the money. Hence, oppose to grant anticipatory bail to the petitioner.

5.The learned Government advocate(Crl.Side) would submit that the investigation is still pending. He further submitted that there is no previous case as against the petitioner. However, he objected to grant anticipatory bail to the petitioner.

6.Heard both side and perused the materials available on record.

7.Considering the rival submissions on either side and considering the fact that there is no previous case as against the petitioner and also considering that there is a money dispute pending between the petitioner and the defeacto complainant and the other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the 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 229A IPC.

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