



Crl.O.P.No.22783 of 2024

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WEB COPY **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 354C and 506(1) of IPC and Section 67A of Information Technology (Amendment) Act in Crime No.12 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the complaint dated 25.04.2024 has been lodged by the defacto complainant alleging that she got married to one Mr.Hari in the year 2014. After the marriage, since her mother fell ill, she stayed at her parental home. During the said period, the petitioner had befriended the complainant and as days passed, he sweet talked to her and promising to marry her had indulged in physical relationship for several times and the petitioner had advised the complainant to divorce her husband Mr.Hari and that he will marry her. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any



Crl.O.P.No.22783 of 2024

offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the complainant was got married to one Mr.Hari in the year 2014. After the marriage, since her mother fell ill, she stayed at her parental home. During the said period, it is alleged that the petitioner had befriended the complainant and as days passed, he sweet talked to her and promising to marry her had indulged in physical relationship for several times and no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, the nature of offences and considering the relationship between the parties, and the defacto complainant is a married woman, the fact that no previous case pending against the petitioner and the statement of the victim was also recorded under Section 183 of BNSS Act, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail



CrI.O.P.No.22783 of 2024

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 Mahila Court, Vellore* 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 on daily at 10.00 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.

04.10.2024

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CrI.O.P.No.22783 of 2024

P.DHANABAL,J.

rna

CrI.O.P.No.22783 of 2024

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