



Crl.O.P.No.28092 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners/ Accused Nos.2 to 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 318(2), 74 and 79 of BNS, 2023 in Crime No.17 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, as per the defacto complainant, the first accused namely Azar, who is the neighbour of the defacto complainant, came to the house of the defacto complainant on 08.12.2023, gave sugarcane juice mixed with some seductive drugs, stating that the defacto complainant's mother as given the same, when she drank the juice, she fell into unconscious state and A1 committed sexual assault on her and also taken obscene photographs of her. It is also further stated that A1 blackmailed the defacto complainant, stating that her obscene photographs were in his mobile phone as well as in the mobile phones of his family members, thereby committed sexual assault on her and threatened the defacto complainant. Due to which, the defacto complainant was in serious mental agony and tried to commit suicide, when the defacto complainant's husband came to know about



the same, A1 and his family members had abused and threatened the defacto complainant and her husband with dire consequences. Hence, this case.

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3. Learned counsel appearing for petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, since they are the relatives of the main accused. He would further submit that there has been an illicit relationship between the defacto complainant and A1/ Azar and during such time, they had taken photos and later, when the same was came to the knowledge of the defacto complainant's husband, they had abused and assaulted A1 and further induced the defacto complainant to give false complaint against the petitioners. He would further submit that A1 was abused and assaulted by the defacto complainant and her family members on 01.11.2024, thereby, A1 had committed suicide and the brother of A1, had lodged a complaint against the defacto complainant and her family members and the same is registered in Crime No.294 of 2024 on the file of the Elavanasoorkottai Police Station, Kallakurichi. He would further submit that the petitioners is ready to abide by any condition that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police would submit that, based on the complaint, the petitioners



were called for enquiry, and found that that there was an illicit relationship between the defacto complainant and the first accused/ Azar, due to which there is enmity between the family members of the defacto complainant and the petitioners, thereby the complaint was lodged. He would further submit that the mobile phones of the petitioners were verified by the respondent police and found that, no such obscene photos or videos were in their mobile phones. He would further submit that the third petitioner herein is not an accused.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the third petitioner is not an accused and no obscene photographs of the defacto complainant were in possession of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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 Judicial**



Magistrate No.I, Ulundurpettai on condition that the petitioners shall execute a separate 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 petitioners 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 first and the second petitioners shall report before the respondent police daily at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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



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action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

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