



WEB COPY

Crl.O.P.No.28826 of 2024



Crl.O.P.No.28826 of 2024
and
Crl.M.P.No.17027 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(3), 77, 123, 64, 351(3), 329(3) and 324(4) of BNS, Section 66(E) of IT Act and Section 4 of TNPHW in Crime No.15 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that, the petitioner is a relative to the defacto complainant and the petitioner had induced her and had sexual intercourse with her, further taken obscene photographs of her. Later, the petitioner threatened the defacto complainant that he would upload the obscene photographs of her in social media, blackmailed and had physical relationship with her frequently, due to which, she got pregnant, thereafter, on instigation of the petitioner, the defacto complainant had aborted the pregnancy. Thereafter, the petitioner and his relatives gave false promise of arranging marriage to the defacto complainant with the petitioner, therefore, the defacto complainant went to Ooty, along with



the petitioner and his friends, where the petitioner had physical relationship with her continuously for three days, subsequently, cheated her and further, the petitioner and his relatives had abused and threatened the defacto complainant with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence and false complaint has been lodged against the petitioner. He would further submit that, the petitioner and the defacto complainant know each other for a long time and loved each other, thereby had consensual relationship for the past several years, but, the defacto complainant had developed relationship with another person, hence there arose misunderstanding between them and they split up. He would further submit that it is not the case, where the petitioner had given a false assurance to satisfy his lust and further, the allegation shows that the relationship was consensual. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.



WEB COPY

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner had induced the defacto complainant, had sexual intercourse with her and also taken obscene photographs of her. He further submitted that the petitioner had blackmailed the defacto complainant that he would upload her obscene photographs in social media, thereby had sexual intercourse with her, due to which, the defacto complainant got pregnant and further made false promise of marrying her and instigated the defacto complainant and aborted her pregnancy. Thereafter, cheated her and the petitioner along with his relatives had abused the defacto complainant and threatened her with dire consequences.

5. Learned counsel appearing for the intervener vehemently opposed for granting of anticipatory bail to the petitioner by stating that, the petitioner on false assurance of marrying the defacto complainant had sexual intercourse with her, thereby the defacto complainant got pregnant, subsequently, instigated the defacto complainant and aborted her pregnancy and cheated her. He also submitted that the petitioner and his relatives have abused and threatened the defacto complainant with dire consequences.



WEB COPY

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

7. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate at Thiruvottriyur** on condition that the petitioner 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:



WEB COPY

[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 everyday at 10:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders.

[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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

9. Accordingly, this criminal original petition is ordered. Consequently, connected miscellaneous petition stands closed.

04.12.2024

stn



WEB COPY



Crl.O.P.No.28826 of 2024

A.D.JAGADISH CHANDIRA, J.

stn

Crl.O.P.No.28826 of 2024
and
Crl.M.P.No.17027 of 2024

04.12.2024