



Crl.O.P.No.27092 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner/Accused in Crime No.41 of 2023 registered by the respondent police for the offences under Sections 376, 417 and 506(2) IPC, seeks anticipatory bail.

2. It is stated that both the Petitioner and the defacto complainant are working in the Police department. They had known each other and were in relationship and also, the defacto complainant had physical relationship with the Petitioner herein.

3. It is stated by the learned Government Advocate (Criminal Side) that the Petitioner had held out a promise to marry the defacto complainant. This Court had directed the Petitioner to participate during the enquiry process. It is informed that the Petitioner had appeared for the enquiry and a medical test had also been conducted on the Petitioner herein.

4. Now, the prosecution will have to file its final report and the defacto complainant will have to tender evidence to substantiate her



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allegations and to assist the prosecution to establish the charges beyond reasonable doubt.

5. Holding as above, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions. 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 Court – I, Poonthamalli**, 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 stand dismissed and on further conditions that :

[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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter, as and when required for the interrogation.

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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