



Crl.O.P.No.29072 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 64 and 351(2) of BNS, 2023 read with Section 66E of Information Technology Act, 2000 in Crime No.43 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant XXX is that the accused was her classmate. Later in the year 2017, she got married and later moved to Coimbatore along with her husband. The accused used to speak with her over the phone. While so, on 04.09.2024, the accused had come and took the defacto complainant and her two children to a lodge, where they stayed in a room. The accused had spiked her and when she was unconscious took videos and later under threat compelled her to act with him in reels videos and later coming to know of this, her husband had taken away the children. Hence the case.



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3. Learned counsel for the petitioner would submit that the petitioner and the victim are known to each other and there was a consensual relationship between them. Later, since it came to the knowledge of her husband, she has given a false complaint as if the petitioner had committed rape on her. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for the grant of anticipatory bail to the petitioner, would submit that the petitioner who is the classmate of the defacto complainant, had taken her and her children to a lodge. There, he spiked her and committed sexual assault on her and without her knowledge had taken videos and later under threat took reels videos.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. 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.

7. Accordingly, the petitioner is 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, Additional Mahila Court, Coimbatore**, 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:

[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 his Aadhar card or Bank pass Book to ensure their identity;



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[b] the Petitioner shall report before the respondent police everyday at 6:30 p.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 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 269 of BNS.

25.11.2024

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