



CrI.O.P.No.29140 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 323 & 506(1) of IPC in Crime No.5 of 2023, seeks anticipatory bail.

2.Heard the learned counsel appearing on behalf of the parties.

3.The case of the prosecution as per the de facto complainant, xxx is that she is a divorced woman, the accused got in touch with her, on the false promise of marrying her, he had sexual intercourse with her and later refused to marry her. Hence the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and in no way he is connected with the said offences as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is about 33 years old and the de facto complainant is about 42 years old, since the family members objected to their marriage, the petitioner was unable to marry her, thereby false complaint has been filed



Crl.O.P.No.29140 of 2024

against the petitioner. He further submitted that the petitioner is ready and willing to abide by any condition that may be imposed on him.

5.The learned Government Advocate (Crl. Side) while opposing the grant of bail to the petitioner submitted that the petitioner and the de facto complainant were in a relationship and on the false promise of marrying her, the petitioner had sexual intercourse with her and later refused to marry her.

6.Taking into consideration the facts of the case and the submission of the learned counsel on either sides, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Palladam** 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 said Magistrate, on further condition that:



Crl.O.P.No.29140 of 2024

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily 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 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.

21.11.2024

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Crl.O.P.No.29140 of 2024

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Crl.O.P.No.29140 of 2024

Dated: 21.112024