



Crl.O.P.No.29248 of 2024

WEB C A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.05 of 2024 registered for the offences punishable under Sections 69 & 79 of BNS Act 2023 r/w Section 4 of TNPHW Act 2002, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the defacto complainant joined the Police Department in the year 2017. She got acquainted with the accused through a common friend and they began chatting over the telephone. From the year 2019, they were in love. On 02.04.2019, on compulsion of the accused, who wanted to see her, she visited him at his quarters. At that time, they had sexual relationship. Thereafter, on the promise of marriage, the accused had sexual intercourse with her on several occasions and that she got pregnant on number of occasions. On the compulsion of the accused, she got aborted her pregnancy. While so, the defacto complainant had further alleged that she obtained a loan of Rs.7,50,000/- and constructed a house. When the defacto complainant approached the mother of the accused regarding the marriage, she has stated that only to settle the loans, they would arrange for the marriage. Hence, the case.



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3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the case of the consensual relationship from the year 2019 has been falsely projected as a case of cheating. He would submit that even as per the defacto complainant, the petitioner and she were having consensual relationship on several occasions and only at the later point of time, due to financial dispute, the relationship got broken and a false complainant has been given. He further submits that the petitioner is now suspended from duty following the registration of the case and he is ready to appear before the respondent for enquiry.

4.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that on the false promise of marriage, the petitioner had sexual intercourse with the defacto complainant on several occasions and thereafter, he cheated the defacto complainant without marrying her. He further submits that the investigation is still pending.



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5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record including the statement recorded from the victim under Section 183 of BNS Act, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 Additional Mahila Court, Egmore (Metropolitan Magistrate), Egmore, 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:

[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 for a period of two weeks and thereafter on every Saturday at 6.30 p.m., until further orders ;



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[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.

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