



Crl.O.P.No.30306 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.04 of 2024, registered for the offences punishable under Sections 69 & 79 of BNS r/w 4 of TNPHW Act, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that as per the defacto complainant, the alliance between her and the accused was arranged through the marriage alliance and they got engaged on 12.05.2024, while so, the marriage date was fixed on 21.10.2024. The defacto complainant and the relatives have gone to purchase saree, at that time the defacto complainant wanted to buy saree for Rs.25,000/-, whereas the second accused i.e. the mother of the petitioner told that she can only buy saree for Rs.15,000/- and there was a misunderstanding aroused between them and thereby, the accused stopped the marriage. Hence, the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would further submit that it s true that the marriage alliance was fixed between the petitioner and the defacto complainant. However, the defacto complainant



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insisted for spending huge amount for the marriage and she also wanted to purchase an expensive saree and hence the second accused opposed, a false case has been given. He is ready to abide by any conditions that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the marriage between the defacto complainant and the petitioner was fixed, thereafter on the assurance of marriage, the petitioner had sexual intercourse with the victim girl and later refused to marry her. Statement under Section 183 BNSS has been recorded.

5.In reply, the learned counsel for the petitioner would submit that in the FIR nothing has been stated as if there was a sexual intercourse and exaggerated statement has been given by the victim girl belatedly, to ensure that the petitioner was arrested.

6.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the FIR and the Statement recorded



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under Section 183 BNSS, 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 XIV Metropolitan Magistrate at Egmore**, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend 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;

[b] the petitioner shall report before the respondent police on every day at 06.30 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;



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

05.12.2024

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