



Crl.O.P.No.16245 of 2022

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WEB CO **G.K.I LANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174(III) of Cr.P.C @ 498(A), 201 and 202 of IPC in Crime No. 2 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that in connection with the death of the wife of the petitioner's brother, originally a case was registered under Section 174 of Cr.P.C in Crime No.300 of 2018 by the Inspector of Police, Vedaranyam Police Station and on completion of the investigation the said Inspector of Police had filed the charge sheet altering the offence under Section 498(A), 201 and 202 of IPC.

3. The learned Additional Public Prosecutor would submit that initially the case was registered in the year 2018 by the Inspector of Police, Vedaranyam Police Station, which stood altered to Section 498(A), 201 and 202 of IPC. Thereafter, the Inspector of Police, Vedaranyam completed the investigation and filed final report before the learned Judicial Magistrate, Vedaranyam and taken cognizance of the



same in P.R.C.No.2 of 2020 dated 03.02.2020. Thereafter, the investigation was transferred to the file of the respondent police and re-registered the FIR in Crime No. 2 of 2022 for the offence punishable under Section 498(A), 201 and 202 of IPC. The 1st accused, being husband of the deceased, was granted anticipatory bail.

4. Considering the above fact and circumstances of the case, and custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 is made ready, before the learned Judicial Magistrate, Vedaranyam, 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



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condition that:

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[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.

[b] the petitioner shall appear before the respondent police as and when required for 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.

13.07.2022

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