



Crl.O.P.No. 17382 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 174(3) of Cr.P.C @ 498A and 306 of IPC in Crime No.450 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that on 21.05.2022, the defacto complainant received a phone call from his elder daughter that his younger daughter hung herself in his house. Therefore, he lodged a complaint before the respondent police and the same was registered in Crime No.450 of 2022 for the offences under Section 174(3) of Cr.P.C. It is alleged that the victim was married to the petitioner, in the presence of all the other accused persons and the family members of the defacto complainant. After marriage, both the petitioner and the victim set-up their matrimonial home and continued their life. While being so, the petitioner is alleged to have abused the victim seeking additional dowry. As a result, the petitioner is said to have dropped the victim in her paternal home and their contact ended up there. Pursuant to the same, the



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petitioner is said to have sent a notice seeking divorce and the same was duly replied by the victim through her counsel. At a later point of time, the victim is said to have received notice from the Court for attending divorce proceedings and finally, she decided to go away with her lief and thereby hung herself. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that there are totally four accused, in which, the petitioner is arrayed as A1. The petitioner is the husband of the deceased. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent produced the suicide note written by the deceased. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Admittedly, the deceased went to her parents' home from the petitioner's home. On the date of occurrence, there was some misunderstanding between them, as a result of which, the petitioner dropped the victim in her parents' home. Even according to the prosecution, the deceased went to her parents' home, where she has committed suicide.



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6. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioner is not required, 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned **Metropolitan Magistrate No.XIII, Egmore, Chennai**, 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 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 their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks, thereafter 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.

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