



Crl.O.P.No.17586 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 174 of Cr.P.C and later altered into Section 306 of IPC in Crime No.39 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a quarrel between the defacto complainant's son/deceased and her daughter-in-law/A1 regarding several misunderstanding in their matrimonial life. Due to which, the deceased had committed suicide by hanging himself and written a suicide note against his wife and her family members. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that there was a case in counter. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that due to misunderstanding between the deceased and his wife/A4, the deceased had committed suicide by hanging himself and written a suicide note against his wife and her family members. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of the suicide note written by the deceased revealed that the deceased had committed suicide only because of her wife/4th petitioner herein. So far as other accused persons are concerned, there is no serious allegations against them and there is no evidence to show that they instigated the deceased to commit suicide.

6. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners except the 4th petitioner/wife of the deceased with certain conditions.

7. Accordingly, the 1st, 2nd, 3rd and 5th petitioners are 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 Judicial Magistrate, Attur* on condition that the



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petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 the 1st, 2nd, 3rd and 5th petitioners 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 1st, 2nd, 3rd and 5th petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation

[c] the the 1st, 2nd, 3rd and 5th petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the the 1st, 2nd, 3rd and 5th petitioners 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 the 1st, 2nd, 3rd and 5th petitioners in accordance with law as if the conditions



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have been imposed and the the 1st, 2nd, 3rd and 5th petitioners 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.

7. With the above directions, this Criminal Original Petition in respect of the fourth petitioner/A4/wife of the deceased stands dismissed. The Criminal Original Petition in respect of the 1st, 2nd, 3rd and 5th petitioners stand ordered.

27.07.2022

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