



Crl.O.P.No.18938 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 Sections 294(b) and 306 of IPC in Crime No.133 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the deceased/daughter of the defacto complainant fell in love with the first accused and got married him. Due to which, there was a dispute between the first accused family and the family members of the deceased. Later, the daughter of the defacto complainant was missing. Hence, the complaint was registered under women missing case.

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. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the deceased/daughter of the defacto complainant got love marriage with the first accused. Therefore, there was a dispute between the first accused family and the family members of the deceased and thereafter, the deceased was missing. In this regard, the deceased father has registered women missing complaint in Crime No.133 of 2022. Later, the respondent police came to know that the dead body of the deceased was found floating in an abandoned well in the village. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the deceased/daughter of the defacto complainant got love marriage with the first accused, it was not accepted by her parents and therefore, there was a dispute between the first accused family and the family members of the deceased. That apart, the first accused harassed the victim and as such, the deceased has committed suicide by jumping herself into the abandoned well in the village. As far as the petitioners are concerned, the first and second petitioners are the mother-in-law and brother-in-law of the deceased respectively. It is also



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seen that there is no specific overt act as against the petitioners to instigate the deceased to commit suicide.

6. Considering the above fact and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the 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-II, Tindivanam** on condition that the 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:



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[a] the 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 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 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 petitioners in accordance with law as if the conditions have been imposed and the 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.

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