



Crl.O.P.No.19163 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 Criminal Procedure Code, in Crime No.142 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the deceased. The second petitioner is the mother-in-law of the deceased. Due to matrimonial dispute, there was a wordy quarrel between the petitioners and the deceased. Thereafter, the deceased had committed suicide by hanging in the matrimonial house. Hence, the defacto complainant, who is the mother of the deceased, lodged a complaint before the respondent.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioners and other accused demanded dowry from the deceased. Due to which, the deceased had committed suicide by hanging. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of medical records produced by the petitioner revealed that the second petitioner was suffering from breast cancer and she is taking treatment for a long time.

6. Considering the above facts and circumstances of the case and there was no instigation by the petitioners to commit suicide by the deceased, 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



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days from the date on which the order copy made ready, before the learned Judicial Magistrate-1, Chengalpattu, on condition that each of the petitioners 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 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 first petitioner 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. The second petitioner shall report before the respondent police 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.



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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 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.

16.08.2022

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