



Crl.OP.No.22014 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 offences punishable under Section 309 of IPC @ Section 307 of IPC @ Section 302 of IPC, in Crime No.235 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant/deceased was working in the shop of the petitioner's husband. It is alleged that the deceased went to the house of the defacto complainant and asked money for her treatment. Since the defacto complainant denied in giving the money, the deceased went into the bathroom and self immolated herself. Hence, the complaint.

3. The learned Senior counsel for the petitioner submitted that the petitioner is an innocent person and no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor submits that the petitioner has specific overtact in this case. It is a case of 302. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that though the First Information Report has been registered on statement recorded from the victim as if she went to the house of the petitioner for seeking loan of Rs.50,000/-. Thereafter, it was denied and as such the deceased herself committed suicide by pouring kerosene and set fire on her own. It is seen that the occurrence was took place in the house of the petitioner. A1 was having illegal intimacy with the deceased. When it was questioned by the petitioner and she cannot able to curtail their relationship. When the deceased went to the house of the petitioner, there was a quarrel between the deceased, A1 and A2. Thereafter, the petitioner poured petrol on the deceased and locked her in the bathroom. Thereafter, she was rescued and admitted to the hospital. The First Information Report was registered on the statement recorded from the deceased. However, thereafter on 30.05.2022 when the deceased was in critical stage, the District Welfare Officer, Coimbatore, recorded her Dying Declaration and also videographed the same. However, the confession statement recorded before the learned Judicial Magistrate was not brought to the notice of this Court. Only on the strength of



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the confession statement made by the deceased the FIR was registered. A perusal of the FIR as well as the confession statement recorded revealed that due to stomach pain, she poured Petrol on her and she had set fire by herself. Subsequently, the Social Welfare Officer came to record the dying declaration.

6. Considering the above fact and circumstances of the case, 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 made ready, before the learned Judicial Magistrate No.I, Coimbatore, 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 and 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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