



Crl.O.P.No.21867 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 498A and 306 of IPC in Crime No.302 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner's son and the deceased was solemnised on 08.09.2019. The couple have a female child aged about 1 ½ years. The petitioner's son was working in a computer software company in Bangalore. At the instigation of the petitioners, the petitioner's son demanded money from the deceased and harassed the deceased by insisting her to abort the 2nd child conceived by her on the belief that she may again deliver a female child. While being so, on 16.07.2022, at about 7.30 p.m de-facto complainant was informed that the deceased committed suicide by hanging at home at about 6.35 p.m. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are in-laws and they were living separately and there is no specific allegation against them as if the petitioners abetted the victim to commit suicide. He would further submit that A1 was arrested and enlarged on bail by this Court in Crl.OP.No.21892 of 2022 dated 12.09.2022. He would prayed for grant of anticipatory bail.



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4. The learned Government Advocate (crl. side) appearing for the respondent police submitted that the petitioners and the A1 have instigated and demanded money from the deceased and thereby the A1 had harassed the deceased by insisting to abort the second child conceived by her on the hope that she may deliver a female child.

5. In reply, the learned counsel for the petitioners would submit that in the postmortem report reveals that the victim was not pregnant during that time and the entire allegations do not tally with the allegations made in the complaint.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Kalasapakkam, on condition that the petitioners shall execute a separate bond 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 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 10.30am for a period of four weeks and thereafter as and when required.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

14.09.2022

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