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Crl.O.P.No.23231 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 302 & 120B of IPC in Crime No.196 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Saravana is that his 4th daughter Selvi was married to one Viji (A1) in the year 2006 and that they have two children aged about 15 & 11 years respectively. There used to be frequent quarrel between his daughter and son-in-law. Due to that, on 11.07.2022, at about 8.00 p.m., his son-in-law on the instigation of his parents, sister and brother-in-law have committed murder of his daughter by assaulting her with hammer. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are respectively the parents, sister and brother-in-law of A1.



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The allegation against them is that they have instigated A1 to commit murder of his wife. He would further submit that even as per the First Information Report, the petitioners were not present at the scene of occurrence and since the *de-facto* complainant wanted to implicate them, a false complaint has been registered. Other than the vague allegations that the 1st & 2nd petitioners have instigated their son, there is no specific allegation as against them. That apart, they were not present in the scene of occurrence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are respectively the parents, sister and brother-in-law of the A1. A1 had suspected the fidelity of his wife and have committed the murder by assaulting her with hammer. He would further submit that A1 has been arrested and detained under Act 14. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel. Perused the First Information Report and the C.D. File. Taking into consideration the facts and circumstances of the case and on perusal of the materials available, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 No I, court at Chengam, Tiruvannamalai**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:



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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 everyday at 10.30 a.m., until further orders.

[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.

26.10.2022

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