



Crl.O.P.No.23171 of 2022

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A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehend arrest for the alleged offence under Section 174(iii) of Cr.P.C @ 306 of IPC in Crime No.64 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have harassed the defacto complainant, due to which she had committed suicide. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that earlier this Court had granted anticipatory bail in Crl.O.P.No.189 of 2022 dated 07.01.2022. He would submit that since the petitioners were unable to comply the condition, the earlier order got lapsed. However, without prejudice to his contentions, the petitioners are prepared to deposit a sum of Rs.1,500/- each to any Welfare Scheme of the Government. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl. side) appearing for the respondent police submits that the petitioners were already granted anticipatory bail. He further submit that they failed to deposit the amount and produce the



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sureties within time and thereby the earlier order has lapsed. Hence, he

vehemently opposed for grant of anticipatory bail to the petitioners.

5. 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 :

6. Accordingly, each of the petitioners are directed to deposit a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) to the credit of **Taluk Legal Services Authority, attached to the concerned Court** and on such receipt, 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 learned District Munsif cum Judicial Magistrate, Uthukottai, on condition that each of the petitioners shall execute a separate 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:



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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 first petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) as interim maintenance to the children. The amount may be deposited in the account of the minor children under the guardianship of the defacto complainant in the first week of every English Calender Month until further orders, failing which order of anticipatory bail will be cancelled.

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

28.09.2022

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