



Crl.OP.No.25490 of 2022

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A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 of Cr.P.C @ 498A on 24.01.2022 and subsequently @ 306 I.P.C on 01.03.2022 in Crime No.1620 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Siva Prakash is that her sister had married with the petitioner after the demise of her husband and thereafter, the petitioner has abused her and harassed her in drunken mood, due to which, she had committed suicide by self immolation. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the second husband of the deceased. He would further submit she was depressed and that she had committed self-immolation. He would further submit that the victim had self immolated herself on 23.09.2021 and thereafter, she died on 10.12.2021 due to complications in treatment. He would further that there is no absolute averment that the petitioner has abetted the victim to commit suicide. He would further that the petitioner has been regularly appearing for the enquiry before the respondent. Hence,



he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is the second husband of the victim, he had abused her and also harassed her in a drunken mood, due to which, she had committed suicide by self immolation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail 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 Additional Mahila Court, Dharmapuri* on condition that the petitioner shall execute a 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 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.

[b] the petitioner shall report before the respondent police on every day at 10.30 a.m for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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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