



Crl.O.P.No.26301 of 2022

Crl.O.P.No.26301 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of IPC in Crime No.376 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Indra is that her daughter was married to one Sivakumar 12 years ago and she has got 2 children. While so, the petitioner/accused had developed illicit intimacy with her daughter. Later, the petitioner had humiliated her and due to which she committed suicide. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that there was an affair between the petitioner and the deceased. She eloped and joined along with the petitioner and they were living together. Later, due to intervention of the family members of the victim, she had gone along with them and on their humiliation, she attempted to commit suicide on 05.10.2022 by



Crl.O.P.No.26301 of 2022

consuming poison and she was admitted in the hospital and later she died on 10.10.2022. He would further submit that the complaint of the *de-facto* complainant is contradictory in nature. The victim had committed suicide due to humiliation by her family members, where as a false complaint has been given as against the petitioner as if he had abetted the victim and there is no reason for the petitioner to abet the victim to commit suicide. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the paramour of the victim. The petitioner had eloped with the victim and later due to humiliation, the victim committed suicide by consuming poison on 05.10.2022 and died on 10.10.2022. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory



CrI.O.P.No.26301 of 2022

bail to the petitioner with certain conditions.

WEB COPY

6. 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 District Munsif cum Judicial Magistrate at Neyveli**, 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:

[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 stay at Chennai and report before the Inspector of police, B1 North Beach Police Station everyday at 10.30 a.m., until further orders.



WEB COPY



Crl.O.P.No.26301 of 2022

A.D.JAGADISH CHANDIRA, J.
mpl

[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.

31.10.2022

mpl

Crl.O.P.No.26301 of 2022