



CrI.O.P.No.26816 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Section 174(3) of Cr.PC altered into Section 306 of IPC in Crime No.680 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Imaya/daughter of the defacto complainant was born on 23.06.1998 and she was given in marriage to A1/Santhosh Kumar on 03.06.2020 and after sometime of marriage there used to frequent quarrel between the husband and wife on account of misunderstanding. The defacto complainant pacified his daughter and send her back to the matrimonial home. The defacto complainant's daughter's husband used to harass and assault her frequently and also prevented her from attending coaching centre for appearing the competitive examination. While so, on 23.10.2022, the defacto complainant received an information that his daughter was taken to the hospital and later he rushed to the hospital and found her dead and suspecting the death, the defacto complainant has given a complaint. During the course of investigation it was found that the death was within 7years of marriage and the matter was referred to RDO and based on the report of RDO the case was altered to one under Section 306 IPC.

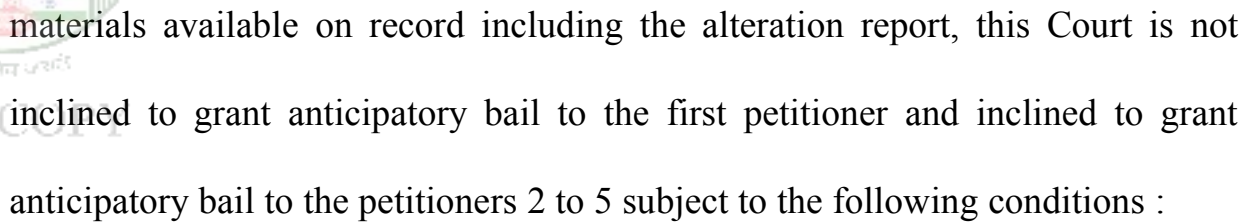


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3. Mr.K.Gandhi Kumar, learned counsel appearing for the petitioner would fairly submit that there are allegations against the first petitioner/A1/husband of the deceased and he is not pressing the petition in respect of first petitioner. The other petitioners are concern, they are respectively the parents and two sisters of A1/first petitioner, as against them absolutely there is no specific allegation. He would submit that it was also the case were no demand of dowry, as per the prosecution the allegations are only against A1 alleging that A1 had assaulted and harassed the deceased continuously resulting her in committing suicide within 7years of marriage. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the marriage between the A1/first petitioner and the victim was solemnised on 03.06.2020 and they have one child. The first petitioner frequently assaulted her, due to which she committed suicide by hanging. He would submit that there is no demand of dowry and there is no specific averments as against the other accused. The case is under investigation.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Additional Public Prosecutor and the



[a] the petitioners 2 to 5 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.

[c] the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 2 to 5 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.

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

21.11.2022

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