



Crl.O.P.No.27378 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174(3) of Cr.P.C in Crime No.833 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Muthukumar is that his sister Anandhavali was married to Joseph Amalraj on 16.09.2016 and they do not have a child. The said Joseph Amalraj was having one Tata Ace and her sister was working in a private hospital. While so, his brother-in-law is not going for a job properly, due to which, there was a frequent quarrel between his sister and her husband. While so on 21.12.2021, the victim had called her elder sister and informed that the income from the house rent was utilised by her father-in-law, thereby she asked her father-in-law to hand over the rent to her, due to which, there was a quarrel and both her husband and father-in-law abused her. Later on 21.12.2021 at about 8.4 p.m., the defacto complainant had received an



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information that his sister had committed suicide by hanging. Hence the case was registered for the offence under Section 174(3) of Cr.P.C and thereafter, the case was altered to one under Section 306 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner is the husband of the deceased and the marriage between them was solemnized during the year 2016 and that they were living happily and that she was in depression, since she did not bear a child and in respect of the same, she committed suicide by hanging whereas a false complaint has been given as if the petitioner has abetted the deceased to commit suicide. He would further submit that RDO enquiry was also conducted, there is no demand of dowry. He would also submit that the petitioner is very much available in the Village and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the marriage between the petitioner and the sister of the defacto complainant was solemnized during the year



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2016 and due to drinking habit of the petitioner, the victim had committed suicide by hanging. He would also submit that the RDO enquiry was conducted, there is no demand of dowry. However, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervener/defacto complainant would submit that the marriage between the petitioner and the sister of the defacto complainant was solemnized during the year 2016 and due to the continuous demand of dowry by the petitioner and his family, the victim has committed suicide by hanging. Hence, he opposed for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel and perused the entire materials available on record including the RDO Report.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. 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 Munsic cum Judicial Magistrate, Kurinjipadi 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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.



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[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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