



Crl.O.P.No.27540 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(2) of IPC @ 302 read with 109 of IPC in Crime No.162 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Susila is that her husband was working as watch-man in the mango garden of one Krishnamoorthy Reddiyar and that there was a previous enmity between her husband and one Sathya/daughter of Marimuthu/2nd petitioner herein and Marimuthu and there used to be frequent quarrel between them. While so, on 22.07.2022, at 12.00 noon, when her husband was watering the garden, A1, who is the husband of the 2nd petitioner herein and son-in-law of the 1st petitioner had questioned him why he was quarrelling with his wife and mother-in-law and had assaulted him. Due to which, the victim fell down unconsciously and he was taken and admitted in the hospital and thereafter, he died without responding to the treatment after a week on 29.07.2022. Hence, the



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complaint.

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3. The learned counsel for the petitioners would submit that the petitioners are respectively the mother-in-law and wife of A1. He would submit that the petitioners and the *de-facto* complainant's family are watch-men in the adjacent farms. There used to be frequent quarrel between them and on a particular day, A1 is alleged to have questioned the deceased why he was quarrelling with the petitioners and other than that there was no allegation either about the presence of the petitioners or that they have instigated the A1 to commit the murder of the deceased. Even taking into consideration the fact that the incident had happened on 22.07.2022, the victim died after a week on 29.07.2022 without responding to treatment. He would submit that the petitioners were not present in the scene of occurrence and there was no averment against the accused. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are respectively the mother-



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in-law and wife of the A1 and on there instigation, A1 had committed the murder of the husband of the *de-facto* complainant. However, he would submit that the incident had taken place during the quarrel and the victim died after 7 days in the hospital and he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Vanur**, on condition that each of the petitioners shall execute a separate 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



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concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further Orders.

[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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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