



Crl.O.P.No.30645 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 174(3) of Cr.P.C. @ 304(B) and 498(A) of IPC in Crime No.700 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the husband of the deceased. Both the 1st petitioner and the deceased were divorced persons and again, they got married with each other. While so, the petitioners abused the deceased for not bringing Seervarisai and abets her to commit suicide. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that there was a wordy quarrel between the petitioners and the deceased, due to which, she had committed suicide. He would also submit that the petitioners have not committed any offence as alleged. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. side) submits that petitioners have abused the deceased on several occasions with regard to Seervarisai and abets her to commit suicide. He further submit that the deceased has left the minor son, which is born to her 1st husband and now, the child is under the care of maternal parents of the deceased. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the pathetic condition of the minor child, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned J.M.I, Poonamalee at Chennai**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten 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



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satisfaction of the learned Magistrate concerned 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 Court concerned 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 as and when required for interrogation;

(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 anticipatory 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]***; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. On considering the pathetic condition of the minor son left by the deceased, who was aged about five years, this Court directs the 1st petitioner to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) in the account of minor son of the deceased within a period of two weeks from the date on which the order copy made ready. Further, this Court appoints the defacto complainant as a guardian for the welfare of the minor boy. Till the minor boy attains majority, the interest can be withdrawn by the defacto complainant for the maintenance of the minor boy.

15.12.2022

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