



Crl.O.P.No.30996 of 2022

Crl.O.P.No.30996 of 2022

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174(3) of Cr.P.C. altered into 306 of IPC in Crime No.196 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the marriage of one Kathirvel and defacto complainant's daughter was solemnized on 03.07.2017 and they have got 1½ years old child. Further allegation is that the petitioner, who is the mother of Kathirvel/A1 and the family members of A1 used to harass the defacto complainant's daughter continuously, due to which, she committed suicide by hanging. Initially, the case was registered under Section 174(3) of Cr.P.C. During the course of the investigation, it was found that the petitioner and her family have abetted the victim to commit suicide. Thereby, the case was altered into Section 306 of IPC. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case, since she is the mother of



Crl.O.P.No.30996 of 2022

A1. He would further submit that co-accused A1 to A3 were arrested and enlarged on bail by this Court in Crl.O.P.No.28212 of 2022 by an dated 17.11.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to a matrimonial dispute, the victim had committed suicide. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that A1 to A3 were enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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 No.1, Walajapet**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



Crl.O.P.No.30996 of 2022

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 as and when required for interrogation;

[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]**;



WEB COPY



Crl.O.P.No.30996 of 2022

T.V.THAMILSELVI,J.

sp

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

16.12.2022

sp

Crl.O.P.No.30996 of 2022