



Crl.O.P.No.461 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 174(3) of Cr.P.C which was subsequently altered into 304-B of IPC in Crime No.352 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A2 and A3 are mother-in-law and Sister-in-law of the deceased/Hema Bindhu. The defacto complainant/Aakash is that his elder sister Hema Bindhu was given in marriage to his cousin viz., Jayachandran/A1 (husband of the deceased), on 16.11.2019 and her sister used to tell him that she was having a happy married life, while so on 17.03.2022, A1 was informed that his sister has committed suicide by hanging and based on the complaint given by the defacto complainant, a case in Crime No.352 of 2022 was registered under Section 173(4) Cr.P.C and later, during the case of investigation, it came to light that the petitioner had demanded



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dowry and harassed her, due to the harassment, she had committed suicide by hanging. Thereby, the case has been altered to one under Section 304-B of IPC. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners/A2 & A3 are no way connected with the offence as alleged by the prosecution. However, the major part of the investigation is over and the RDO enquiry is also completed. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that A1 was arrested and released on bail. He further submitted that petitioners are mother-in-law and Sister-in-law of the deceased. According to the RDO report, there is some dowry harassment to the deceased. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions and that the petitioners are ready and willing to deposit some amount to the



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credit of Cr.No. 352 of 2022, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only) to the credit of crime No. 352 of 2022 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned **Judicial Magistrate Madhavaram**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **with two sureties out of which one surety will be a blood related surety** 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 petitioners shall deposit a sum of **Rs.1,00,000/- (Rupees**



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One Lakh Only) to the credit of crime No.352 of 2022 within a period of four weeks from the date on which the order copy made ready and the defacto complainant's family is permitted to withdraw this amount.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police every Saturday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.



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

12.01.2023

vsn

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