



Crl.O.P.No.4314 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 Sections 174 Cr.P.C. altered to 306 & 294(B) IPC, in Crime No.48 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant, who is the wife of the deceased/Mohan lodged a complaint stating that her husband committed suicide in her house. Based on her complaint, initially, a case has been registered for the offence under Section 174 of Cr.P.C., and during the course of the investigation, it came to light that the petitioners have harassed, humiliated and also tortured the deceased by way of giving heavy work load due to which the deceased committed suicide by hanging. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any



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offence alleged by the prosecution. He further submitted that the petitioners have neither harassed nor humiliated the deceased. Due to family dispute, the deceased Mohan committed suicide by hanging. He would further submit that without prejudice to their claim, the petitioners are ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Crime No.48 of 2023 towards the loss incurred by the deceased family and further submitted that the deceased is a permanent employee of the company and he is entitled to receive all the benefits as per the company norms and the company also ready to settle the amount to the deceased family. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the de-facto complainant, who is the wife of the deceased/Mohan lodged a complaint stating that her husband committed suicide in her house. Based on her complaint, initially, a case has been registered for the offence under Section 174 of Cr.P.C., and during the course of the investigation, it came to light that the petitioners have harassed, humiliated and also tortured the deceased by way of



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giving heavy work load due to which the deceased committed suicide by hanging. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts of the case and also taking note of the fact that now the petitioners are ready to deposit the a sum of Rs.1,00,000/- to the credit of Crime No.48 of 2023 towards the loss incurred by the deceased family, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.48 of 2023** and on such deposit and production of proof, the petitioners are



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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, Katpadi**, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (out of which one surety must be a blood related surety) 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 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakhs Only) to the credit of Crime No.48 of 2023, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant,



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who shall utilize the said amount.

[c] the petitioners shall appear before the respondent Police as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;

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

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