



Crl.O.P.No.8313 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 174 Cr.P.C altered into under Section 306 of IPC in Crime No.376 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Sankar is that on 26.08.2022 at about 19.45 p.m., the sister of the defacto complainant committed suicide. Based on the complaint given the defacto complainant, a case was registered under Section 174 Cr.P.C. Later during investigation, it was found that the deceased has left a suicide note and thereby, the case was altered to Section 306 of IPC. In the suicide note, the deceased had categorically stated that the accused namely Samundeshwari, Sivanesan and Palani are responsible for her death and she had also stated that they have sexually harassed her. Hence, the case.



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3.The learned counsel for the petitioner submitted that the deceased brother had unnecessarily roped him as he mediated between the parties. He further submitted that this is the fifth anticipatory bail petition, and earlier petitions were dismissed by this Court. He also submitted that the co-accused persons have been arrested and released on bail and he is ready to abide any stringent condition as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that there are three accused, in which the petitioner is arrayed as A3, and also a main culprit in this case.He would submit that the deceased is a widow lady and finding that she has nobody to support her and the petitioner along with other accused have come to her house and continuously harassed her and unable to bear the humiliation, she had committed suicide by hanging and leaving behind her two minor children. He would further submit that investigation was completed and the final report also not yet been filed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI.Side) appearing for the respondent and perused the materials available in record.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) in the name of two minor children of the deceased (Rs.50,000/- each), in any one of the post office bearing accrued interest scheme, within a period of two weeks from the date on which the order copy made ready, and the interest can be utilised for the minor children until they attain majority, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-II, Walaja 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 must be a blood related surety, each for a like sum to the



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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 appear before the respondent police on every Wednesday at 10.30 a.m. until further orders.

[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



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himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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