



Crl.O.P.No.8561 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C @ 306 of IPC r/w 34 of the IPC, in Crime No.52 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons abetted the deceased to committed suicide by self immolation by giving mental torture to the deceased and by putting fence around the house of the deceased, preventing him ingress and egress. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A5 and he is the maternal uncle of the deceased. He would submit that the petitioner has not committed any offence as alleged by the prosecution and that there is no specific allegations against the petitioner as if, he had abetted the victim. He would further submit that the petitioner was granted anticipatory bail by the learned Sessions Judge, Karaikal in



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Crl.M.P.No.252 of 2022 dated 24.08.2022 however, due to illness, the petitioner could not surrender and furnish sureties within the time stipulated by the Court and therefore, the order has got lapsed by efflux of time. Therefore, the present petition has been filed before this Court. He would further submit that the co-accused in this case viz., A3 has been granted anticipatory bail by this Court in Crl.O.P.No.19210 of 2022 dated 16.08.2022 and hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that admittedly the petitioner was granted anticipatory bail by the learned Sessions Judge, Karaikal, but the petitioner did not furnish the sureties within the stipulated time and thereby, earlier order got lapsed. He would submit that the reasons stated for not surrendering and executing the sureties in time is not acceptable and no material has been placed by the petitioner to prove the same. Hence, he opposed for the grant of anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Karaikal, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) with two sureties** 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:



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[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 daily twice at 10.30 a.m., and 5.30 p.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 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.

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