



Crl.O.P.No.8379 of 2023

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K.KUMARESH BABU, J.

The petitioners/A2 & 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 174(3) of Cr.P.C. altered into Section 306 of IPC in Crime No.71 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.03.2023, the defacto complainant was informed that the deceased consumed capsules and became unconscious. Thereafter, the complainant went to see her. At that time, deceased was found dead. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not involved in any offence as alleged by the prosecution. He further submitted that A1 was already granted bail. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(crl.side) would submit that the deceased is the daughter of the defacto complainant. He further submitted that though initially case was registered under Section 174 of Cr.P.C., thereafter on enquiry, it was altered into Section 306 of IPC.



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5. Considering the facts and circumstances of the case and also considering that A1 was already granted bail, there is no impediment to order this petition. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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, Sholingur, Ranipet District on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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 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 report before the respondent police daily at 10.30 a.m. until further orders.

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



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[d] the petitioners 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 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]**.

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

18.05.2023

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