



Crl.O.P.No.9102 of 2023

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WEB CO **K.KUMARESH BABU, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174 Cr.P.C. @ 306 IPC, in Crime No.168 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's son had committed suicide by hanging. Based on the complaint given by the defacto complainant, initially a case was registered under Section 174 of Cr.P.C., in Crime No.168 of 2019. Thereafter, during the course of investigation, it came to light through the suicide note left by the victim, that the wife of the victim had developed an illegal affair with the first accused/petitioner, due to which, he has committed suicide by hanging and therefore, the case has been altered to Section 306 of IPC. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein is the second accused. He further submitted that the co-accused was already arrested and released on bail. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also of the fact that the co-accused has already been granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned **Judicial Magistrate, Katpadi**, on condition that the petitioner shall execute a 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



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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 report before the respondent police as and when required for interrogation.

[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]**.

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

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