



Crl.O.P.No.10645 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 alleged offences punishable under Sections 174 Cr.P.C @ 306 of IPC, in Crime No. 175 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Moorthy is that his son Kaviyarasan was in love with one Subhasri while he was studying in 10<sup>th</sup> standard and the said proceedings had fixed his son, thereby on 08.02.2022 he had committed suicide by hanging. Initially based on the complaint a case was registered under Section 174 Cr.P.C and later the case was altered into under Section 306 of IPC. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered against him. He would further submit that there was a friendship between the petitioner and the defacto complainant's son for the past several years. Later the petitioner came to know that the defacto complainant's son was having a bad character and thereby she had severe relationship whereas the defacto complainant's son had repeatedly



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harassed the petitioner, thereby the defacto complainant and his family members have reprimanded the victim and he had committed suicide whereas a false complaint has been given as if the petitioner had abetted the victim to commit suicide. He further submit that the petitioner is aged about 22 years and he is a student and thereby, he would seeks for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner and the victim were having love affair for the past several years and they have been very close and later the petitioner had discontinued the relationship and refused to talk with him and when the victim had attempted to contact her she had abused him and had asked him to commit suicide resulting in which, the victim had committed suicide by hanging. He would further submit that there are materials to show that the petitioner had abetted the victim to commit suicide. He further submit that the respondent police initially registered a case under Section 174 of Cr.P.C and after the death of the petitioner, a case was altered into under Section 306 of IPC. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, 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 Court No.I, Panruti, Cuddalore District**, 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 petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their



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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 everyday at 10.30 a.m., for a period of two weeks and thereafter on every first Saturday 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 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.

**02.06.2023**

drl

**A.D.JAGADISH CHANDIRA,J.**



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