



WEB COPY



Crl.O.P.No.12876 of 2023

Crl.O.P.No.12876 of 2023

G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence under Section 174(iii) Cr.P.C., altered into Section 306 IPC, in Crime No.37 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that the 1st petitioner is the husband of the deceased Sathyaseela. The 1st petitioner returned from abroad just a week prior to the death of the deceased. The 2nd and 3rd petitioners are the relatives of the 1st petitioner. There are no allegations against the petitioners for the death of the deceased. The petitioners have been falsely implicated in this case. He further submitted that the deceased Sathyaseela used to frequently talk with one Ramesh and that the petitioners are no way connected with the commission of suicide by the deceased. Apprehending arrest, this petition is filed seeking anticipatory bail.



Crl.O.P.No.12876 of 2023

WEB COPY

3. In response, the learned Government Advocate (Crl. Side) appearing for the respondent opposed this petition stating that the accused in this case, committed cruelty and caused harassment on the deceased which led her to commit suicide. However, he submitted that the report of the RDO indicates that the deceased not died because of dowry harassment.

4. Considered the rival submissions and perused the records.

5. A reading of the FIR shows that only general allegations are made against the accused. There is no specific allegation as to the manner in which, the accused committed cruelty on the deceased. Further, the 1st petitioner who is the husband of the deceased, has arrived in India just a week prior to the death of the deceased. Co-accused in this case have been enlarged on bail. For the reasons stated above and that, no specific allegation has been brought to the notice of this Court that, the petitioners are responsible for the deceased to end her life, this Court is



Crl.O.P.No.12876 of 2023

WEB COPY

of the view that, the custodial interrogation of the petitioners is not necessary. 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-II, Ariyalur**, on condition that 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.



CrI.O.P.No.12876 of 2023

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

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

[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.

12.07.2023

ksa-2



WEB COPY



CrI.O.P.No.12876 of 2023

G.CHANDRASEKHARAN. J.

ksa-2

CrI.O.P.No.12876 of 2023

12.07.2023