



Crl.O.P.No.16278 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 323, 355, 306 and 506(i) of IPC in Crime No.412 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Priya is that the marriage between her son and the first petitioner was solemnized three years ago. Since the first petitioner had relationship with another man, on 11.06.2023, the deceased warned the first petitioner, for which, a wordy quarrel arose between them. During the quarrel, the first petitioner called her brothers and relatives and all of them assaulted the deceased with footwear and wooden log, unable to bear the humiliation, the deceased committed suicide by hanging. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in



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this case. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that since the deceased suspecting the fidelity of the first petitioner, for which, a wordy quarrel arose between the deceased and the first petitioner. During the quarrel, the first petitioner called her brothers and relatives and all of them joined together, assaulted the deceased with footwear and wooden log and unable to bear the humiliation, the deceased committed suicide by hanging. He would further submit that the investigation is still pending and the postmortem certificate is yet to be received. However, he prayed for grant anticipatory bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the third petitioner alone with certain conditions and taking note of the gravity of the offence committed by the petitioners 1, 2 and 4, this court is not inclined to grant anticipatory bail to them and thereby, the petition, insofar as the petitioners 1, 2 and 4 are concerned, is liable to be dismissed.

7. Accordingly, the criminal original petition in respect of the petitioners 1, 2 and 4 stands dismissed and in respect of the third petitioner, the criminal original petition stands ordered. Thereby, the third petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Uthukottai**, on condition that the third 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



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satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the third 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 third petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks;

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

[d] the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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]**.



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

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