



Crl.O.P.Nos.16273 & 14151 of 2023

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**RMT.TEEKAA RAMAN, J.**

The petitioners/A1 & A6, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174(3) of Cr.P.C @ 306 of IPC in Crime No.245 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the deceased and A1 had taken place on 30.06.2018. A1 is working as Commander in National Security Guard. After marriage, the deceased was living with her husband in Gurgaon. On 08.01.2022, she visited Srikakulam, Andhrapradesh for celebrating pongal festival. On account of demand of dowry, the deceased, on 30.12.2022, committed suicide by hanging. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and the deceased had developed illicit relationship with one Baskar. When it was questioned by A1, there had been issues with A1 and in laws, for which, she committed suicide. He



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would further submit that A2 to A5 in this case have already been arrested and later, enlarged on bail. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that the deceased died on 30.12.2022 by hanging and after six months, based upon the enquiry, the offence has been altered to Section 306 IPC. The deceased left the suicide note and in the suicide note, there is no specific overtact against A1/husband of the deceased, who is said to be a commander in National Security Guard. At the relevant point of time, A1 was working at Uttrapradesh. He would also submit that the investigation has been completed. Hence, he prayed for grant anticipatory bail to the petitioners.

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

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and



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after perusing the suicide note, there is no specific overtact attributed against the petitioners and the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 No.I, Poonamallee** 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



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or Bank pass Book to ensure their identity.

**[b] the petitioners shall report before the respondent Police, as and when required for interrogation;**

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

**10.08.2023**

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**RMT.TEEKAA RAMAN, J.**



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