



Crl.O.P.No.23036 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners seek anticipatory bail in Crime No.259 of 2023 originally registered for the offence punishable under Section 174(3) of Cr.P.C and subsequently, altered to Section 306 of IPC by the respondent police.

2. It is stated that the 1st petitioner is the husband of the deceased and the 2nd petitioner is the mother-in-law of the deceased. It is also stated that the 1st petitioner and the deceased have an infant child. Owing to the acts of cruelty by the accused, the deceased committed suicide.

3. The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



Crl.O.P.No.23036 of 2023

4. The learned Government Advocate (Crl. Side) for the respondent stated that investigation is still pending and custodial interrogation of the petitioners is required in this case. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the age of the 2nd petitioner, who is mother-in-law of the deceased, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone subject to the following conditions:

6. Accordingly, the 2nd 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 **Judicial Magistrate No.I, Tindivanam**, on condition that the 2nd petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:



Crl.O.P.No.23036 of 2023

[a] the 2nd 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 2nd petitioner shall report before the respondent police on every Saturday at 10.30 a.m until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.



Crl.O.P.No.23036 of 2023

7. As far as the 1st petitioner is concerned, considering the nature and gravity of offence, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Hence, anticipatory bail sought by the 1st petitioner is dismissed.

06.10.2023

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Crl.O.P.No.23036 of 2023

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Crl.O.P.No.23036 of 2023

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