



Crl.O.P.No.23570 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, seek anticipatory bail in Crime No.317 of 2023, on the file of the respondent police, registered under Section 174 (3) Cr.P.C., subsequently altered to Sections 498 (A) and 306 IPC.

2.The first petitioner is a Jail Warden/Public Servant, who is stated to be absconding. I am not able to understand why the respondents have not taken him into custody even though FIR had been registered on 04.10.2023, which is nearly more than one month back.

3.It is the case of the prosecution that owing to dowry demand by the petitioners herein, the wife of the first petitioner had committed suicide. Marriage between the first petitioner and the deceased took place on 01.09.2022, which is about a year back. The facts have also been revealed in the enquiry conducted by the Revenue Divisional Officer.

4.The learned counsel for the petitioners states that the second and third petitioners/mother and father of the first petitioner are innocent



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of the offence.

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5.Taking all the factors into consideration, this Criminal Original Petition is dismissed as against the first petitioner with a direction to the Investigation Officer to secure the first petitioner and report before this Court. For that purpose, list this matter on 17.11.2023.

6.So far as the second and third petitioners are concerned, taking their age into consideration, this Court is inclined to grant anticipatory bail to the second and third petitioners. Accordingly, the second and third 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 **Judicial Magistrate No.I, Vellore**, on condition that the second and third 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



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second and third 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.

[b]the second and third petitioners shall report before the respondent police daily morning at 10.00 a.m., till the first petitioner is secured. Thereafter, they may appear before the respondent police once in a week, i.e., every Monday at 10.00 a.m., until further orders.

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

[d] the second and third 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 second and third petitioners in accordance with law as if the conditions have been imposed and the



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second and third 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.

7.Accordingly, this Criminal Original Petition stands dismissed as against the first petitioner and allowed as against the second and third petitioners. List on 17.11.2023 for reporting compliance.

02.11.2023

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C.V.KARTHIKEYAN, J.

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