



Crl.O.P.No.488 of 2023

Crl.O.P.No.488 of 2023

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 174(3) of Criminal Procedure Code, 1973 and under Section 306 of Indian Penal Code, 1860 in Crime No.396 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter Suganya got married to the first accused on 05.07.2019 and out of the wedlock two girl children were born. It is alleged that the petitioners and the husband of the victim harassed the defacto complainant's daughter by demanding dowry due to which she committed suicide. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated. Hence, he prays for grant of anticipatory bail to the petitioners.



Crl.O.P.No.488 of 2023

4. The learned Government Advocate (Crl.Side) submitted that the defacto complainant's daughter Suganya got married to the first accused on 05.07.2019 and out of the wedlock two girl children were born. It is alleged that the petitioners and the husband of the victim harassed the defacto complainant's daughter by demanding dowry due to which she committed suicide. He further submitted that the 1st accused was arrested and still he is under judicial custody. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor submitted that the 2nd petitioner is the mother-in-law of the victim and she is the root cause for all the problems. Hence, he strongly raised objection to grant anticipatory bail to the petitioners.

6. When the matter was taken up today, the 2nd petitioner as well as the defacto complainant were present. The 2nd petitioner produced 13 items of the jewels as mentioned in the list containing 24 sovereigns was produced before this Court and the same was verified by the defacto complainant and stated



Crl.O.P.No.488 of 2023

that remaining 12 sovereigns of jewels are yet to be received. In reply to that the 2nd petitioner sought for a short accommodation to get the instruction from A1.

7. Considering the facts and circumstances of the case and the overtact against the first and second petitioners/A1 and A2 are very serious in nature, hence this Court is not inclined to grant anticipatory bail petition to the 1st and 2nd petitioners for the present and with regard to the third petitioner, this Court is inclined to grant anticipatory bail on the ground that she is married and living with her matrimonial home, with certain conditions.

8. Accordingly, the 3rd petitioner is ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Katpadi, Vellore District, on condition that the 3rd 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



Crl.O.P.No.488 of 2023

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

[a] the 3rd 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 3rd petitioner shall report before the respondent police as and when required for interrogation.

[c] the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 3rd 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 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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].



Crl.O.P.No.488 of 2023

[f] If the accused thereafter absconds, a fresh FIR can be registered

under Section 229A IPC.

9. With the above directions, this Criminal Original Petition is ordered with regard to the 3rd petitioner alone.

01.02.2023

gbi



WEB COPY



Crl.O.P.No.488 of 2023

T.V.THAMILSELVI, J.

gbi

Crl.O.P.No.488 of 2023

01.02.2023