



CrI.O.P.No.28967 of 2023

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P. DHANABAL,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence publishable under Sections 174 Cr.P.C., and subsequently, altered to Section 306 of IPC in Crime No.252 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of prosecution is that at the instigation of one accused / Selvaraj, who is still absconding, A1 had come to the shop and broken upon the lock and abused the deceased in front of the general public. Unable to bear with the same, it is stated that the deceased / husband of the defacto complainant had committed suicide. There were also family settlement and the 1st accused and the deceased were running a corner shop of a building and there were legal notices issued restraining the deceased from entering into the shop. This led to internal dispute among the family members.

3.The learned counsel for the petitioner submitted that the petitioner is the wife of A1. He further submitted that the averments in the FIR do not contain any allegations against the petitioner herein and in the death note of the deceased, the name of the petitioner is not mentioned anywhere. The learned counsel submitted that the 1st accused had been arrested and granted bail by this Court in CrI.M.P.No.27720 of 2023. He further submitted that this petitioner has filed an affidavit



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voluntarily that she realizing every member of the family born to one father has a share according to their legal rights.

4. The learned Government Advocate submitted that there was internal dispute among the family members and one of the brother / A1 was abused the husband of the defacto complainant, for which, the husband of the defacto complainant had committed suicide. He further submitted that A1 had been arrested and released on bail by this Court.

5. Considering that A1 was released on bail and even according to the FIR there is no whisper about the words uttered by the petitioner to commit suicide, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the 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 Metropolitan Magistrate No.II, Egmore, Chennai, on condition that the 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 satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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