



Crl.O.P.No.29169of 2023

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P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C @ into Section 306 of IPC, in Crime No.529 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant namely K.A.Sumathi is that on 15.11.2023, her husband was found died by hanging. Initially, the case was registered under Section 174 Cr.P.C. and subsequently, during the course of investigation, it was altered to Section 306 IPC.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he is no way connected with the death of the deceased and that he has been falsely implicated in this case. Hence he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would contend that the petitioner being a creditor of the deceased had harassed the deceased and abetted to commit suicide and investigation is at initial stage and there is a suicide note and strongly objected to grant anticipatory bail to the petitioner.

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



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6. Considering the rival submissions made on either side and the fact that there is no specific overt-act attributed as against the petitioner and that the petitioner is only a creditor to the deceased and also considering other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, No.II, Walajapet, 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 learned Magistrate concerned and on further condition that:

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

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned



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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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.12.2023

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