



Crl.O.P.No.3053 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174(3) of the Cr.P.C r/w Section 306 of I.P.C in Crime No.839 of 2023, on the file of the respondent Police, seek anticipatory bail.

2. The petitioners/ A2 and A3 are mother-in-law and brother-in-law of the deceased. A1 who is the husband of the deceased has filed Crl.O.P.No. 1511 of 2024 seeking bail.

3. The marriage between the first accused and the deceased taken place on 27.01.2023 within one year on 22.12.2023 the deceased had committed suicide by hanging.

4. On the other hand the specific report of the RDO who conducted enquiry is that there was demands for dowry. However, the said fact may be examined during the course of trial. At this stage to consider the bail application whether the petitioners were involved in the offence, that report dated 29.12.2023 in Na.Ka.No.188 of 2023 is of much significance. It is stated that the RDO had recorded the statements of the mother of the deceased, the brother of the deceased and maternal



Crl.O.P.No.3053 of 2024

uncle of the deceased, the sister of the deceased who are independent witnesses had been specifically stated that the deceased had committed suicide only due to the demand of dowry. It had been specifically stated that at the time of marriage 25 sovereigns of gold was given and there was demand for 5 sovereigns of jewellery and two wheeler. It is further stated that the second petitioner who is the brother-in-law of the deceased had indulged in demanding dowry. He has no right in interfere in the martial life of his brother.

5. In view of the specific overt act against the second petitioner , at this stage I am not inclined to grant anticipatory bail to the second petitioner. Hence, **this petition is dismissed with regard to second petitioner** and anticipatory bail is granted to the first petitioner.

6. Accordingly, the first 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-I, Ponneri** on condition that the second 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



Crl.O.P.No.3053 of 2024

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:

[a] the first 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 first petitioner shall report before the respondent police everyday until further orders.

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

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



Crl.O.P.No.3053 of 2024

State of Kerala [(2005)AIR SCW 5560].

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

26.02.2024

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C.V.KARTHIKEYAN, J.

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Crl.O.P.No.3053 of 2024

Crl.O.P.No.3053 of 2024

26.02.2024