



WEB COPY



CrI.O.P.No.8291 of 2024

CrI.O.P.No.8291 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/A1 in Crime No.137 of 2023 originally registered by the respondent Police for the offence punishable under Section 174 of Cr.P.C and later altered into Sections 306 and 304B of IPC seeks anticipatory bail.

2. It is stated that the marriage between the petitioner and the deceased/his wife took place on 10.03.2019 and a female child was born to them on 23.03.2020. Unfortunately, the child died due to accidental drowning on 22.11.2021. There are two other accused/A2 and A3 who had been granted anticipatory bail. Since the incident happened within seven years from the date of marriage, the Revenue Divisional Officer had conducted an enquiry and the result of the enquiry had been placed before this Court. Definite findings has been given by the Revenue Divisional Officer that the deceased had committed suicide owing to continuous demands of dowry and cruelty.

3. The earlier application seeking Anticipatory Bail had been



CrI.O.P.No.8291 of 2024

dismissed by this Court on 29.02.2024 in CrI. O.P. No.4745 of 2024. This Court had directed a status report to be filed with respect to the investigation. Accordingly, the status report had been filed by the Deputy Superintendent of Police, Sankagiri Sub Division, Salem District, wherein it had been stated that Investigating Officer had recorded the statement of 20 witnesses. It had also been stated that report of the Revenue Divisional Officer had been obtained and post-mortem certificate and final report also been obtained. It had also been stated that FIR had been altered to include Sections 306 read with 304 (B) IPC and alteration report has also been filed before the jurisdictional Magistrate Court. It is also stated that two of the accused, A2 and A3 had also obtained anticipatory bail. It had been stated that though strenuous efforts have been taken, the petitioner could not be taken into custody.

4. Learned counsel for the intervenor was also heard.

5. In view of the fact that investigation has been practically completed, anticipatory bail is granted to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the



CrI.O.P.No.8291 of 2024

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, Edappadi, 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:

[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 **everyday 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.

C.V.KARTHIKEYAN,J.

Gsa



Crl.O.P.No.8291 of 2024

*[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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.07.2024

gsa

Crl.O.P.No.8291 of 2024