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Crl.O.P.No.23493 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offence punishable under Section 108 of Bharatiya Nyaya Sanhita, 2023 in Crime No.142 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the deceased who is the husband of the defacto complainant was working as a Security Guard in a Bank. On 22.08.202, the petitioners and their friend were sitting near a Temple and consuming alcohol and urinated in front of the girls who were returning from their schools and colleges. On seeing the same, the defacto complainant's husband questioned their activities due to which, all the accused joined together and attacked him. However, the deceased managed to escape from them. On the next day i.e. on 23.08.2024, all the accused went to the house of the defacto complainant by Auto and two wheelers and threatened to kill the deceased if he comes out. On 24.08.2024, from morning to evening, the accused were searching for the deceased. On the same day at about 6.45 p.m., the deceased called the



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defacto complainant over phone and asked her to bring food to the Bank.

Hence, the defacto complainant went to the Bank wherein, the deceased was found hanging in a Tree. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that even according to the prosecution, the deceased has committed suicide after two days from the date of alleged attack and therefore, the offence under Section 306 IPC/108 BNS cannot be made out against the petitioners. He also submitted that the 1st petitioner is a student studying in Government Arts College. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that the petitioners along with other accused were urinating in front of girls who were returning from schools and colleges and the same was questioned by the husband of the defacto complainant. Hence, all the accused assaulted the husband of the defacto complainant and due to mental agony, the husband of the defacto complainant



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committed suicide after two days of the incident. He also submitted that the investigation is pending.

5. Heard the learned counsel for the petitioners, the learned Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the victim has committed suicide after two days of the alleged incident, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Krishnagiri**, on condition that the petitioners shall execute a separate 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



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall stay at Cuddalore and report before the Inspector of Police, O.T. Police Station everyday at 10.30 a.m. until further orders and it is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent police until further orders.

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

[d] the petitioners 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 petitioners in accordance



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with law as if the conditions have been imposed and the 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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