



Crl.O.P.No.28482 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Section 174(3) of CrI.P.C. and subsequently it was altered into under Sec.174(3), 306 of I.P.C., in Crime No.396 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter Suganya got married to 1st accused on 05.07.2019 and out of wedlock, two girl children were born. While being so, the petitioner and the husband of victim harassed her by demanding dowry, due to which, she committed suicide. Hence, the respondent police is registered the complaint against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner is sister-in-law of deceased and she is arrayed as A3 in this case. He would submit that she is an innocent person and she has not committed any such offence as alleged by the prosecution. He would submit that she moved anticipatory bail petition before this Court in CrI.O.P.No.



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488 of 2023 and the same was granted on 01.02.2023. However, since she is having matrimonial residence at Bangalore, she was unable to comply the condition imposed by this court and there is great difficulty to arrange sureties. Therefore, this is the second anticipatory bail petition before this court. He would also submit that the respondent police foisted the false case against her without any iota of truth and she is no way connected with alleged offence. Accordingly, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner stating that as the petitioner along with other accused have harassed the defacto complainant's daughter by demanding dowry, she committed suicide. Furthermore, inspite of the order for anticipatory bail granted, she has not complied the conditions imposed by this court. He would submit that if she is granted anticipatory bail, she will tamper the witnesses and hamper investigation. Hence, he prayed to dismiss this petition.



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5. Taking into consideration the facts and the submissions made by the both counsel and also the fact that investigation is almost completed and there is no previous case pending against her, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Chief Judicial Magistrate, Vellore** on condition that the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) as non-refundable deposit to the credit of Advocates Clerks Welfare Association, Vellore** and she shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, **in which one surety must be a blood surety** 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 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 as and when required.

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

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