



Crl.O.P.No.28584 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 offences punishable under Sections 191(2) and 108 of Bharatiya Nyaya Sanhita, 2023. in Crime No.263 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, the deceased Pushparaj, who is the son of the de-facto complainant, had illicit intimacy with one Mrs.Govindammal, wife of Chettiar @ Venkatraman of the same village, who is a mother of two children. The said relationship continued for a decade. Further, it is alleged in the FIR, that a Panchayat was convened in that regard on 07.10.2024 by the elders, in which, a large number of village people turned out for the Panchayat, in which, the conduct of the deceased Govindammal was deplored by the Panchayat and ultimately both of them were advised not to continue their illegal relationship. The said Govindammal with whom the deceased had affairs, informed the de-facto complainant that the deceased consumed poison and was admitted in hospital and he died on 10.10.2024. Hence, this case.



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3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners stating that the co-accused had already been arrested and released on bail.

5. Heard the learned counsel for the petitioners, the learned Government 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, 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



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fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate – 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 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 report before the respondent police everyday at 10.30 a.m. and 6.30 p.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. 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,



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the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance 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 of B.N.S.

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