



Crl.O.P.No.21619 of 2021

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T.V.THAMILSELVI,J.

The matter is listed today under the caption “for being mentioned”.

2.The learned counsel appearing for the petitioner would submit the petitioner was granted anticipatory bail by this Court by order dated 18.11.2021. However, in the order copy it is wrongly mentioned as if NBW was issued against the petitioner in Crime No.947 of 2017 and the petition was disposed of with a direction to recall the NBW. Hence, the learned Counsel prays for appropriate orders.

3.In view of the above submission so made by the learned counsel for the petitioner, paragraphs 2 to 7 of the order in Crl.O.P.No.21619 of 2021 dated 18.11.2021 is to be read as follows:

2. The case of the prosecution is that the petitioner and two others have not complied with the conditions and failed to appear before the learned Judicial Magistrate-II, Mannargudi in C.C.No.155 of 2016.

3. The learned Counsel for the petitioner would submit that the petitioner's father died and for his family need, in the year



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2017, the petitioner gone to Singapore for employment and only on 11.11.2021, he returned to India. Hence, he could not comply with the conditions. He would further submit that the petitioner undertakes to comply with the conditions regularly. Hence, he seeks for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner and two others have not appeared before the learned Judicial Magistrate-II, Mannargudi in C.C.No.155 of 2016 and hence, the present case in Crime No.947 of 2017 has been registered for offence under Section 229 (A) of IPC and if he is released on anticipatory bail, again there is a possibility of the petitioner getting abscond.

5. Considering the facts and circumstances of the case, 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 days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate-I, Mannargudi**, 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



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police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the trial Court in C.C.No.155 of 2016 on all hearings without fail.

(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]**; and;*

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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4.Registry is directed to carry out the necessary corrections in the order dated 18.11.2021 and re-issue a fresh order copy.

06.12.2021

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NOTE: Issue order copy on 07.12.2021

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03.12.2021