



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22867 of 2021

Premnath

...Petitioner

Versus

State by
The Inspector of Police,
Sevvaipettai Police Station,
Salem.
(Crime No.1256 of 2009)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail, in the event of his arrest in S.C.No.355 of 2010 on the file of the Court of the learned III Additional District Sessions Judge, Salem.

For Petitioner : Mr.J.Povas

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 324, 363, 364(A), 387 and 506(ii) of IPC, in Crime No.1256 of 2009 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a daily wager and doing some odd jobs. On 12.03.2021, the petitioner suffered from heavy fever and as he was not vaccinated, he did not attend the Court on the said day. The petitioner was regularly appearing before the Trial Court. Due to the above stated reasons, he could not contact his counsel also. However, only subsequently, the petitioner learnt that an NBW was pending against him. Hence the complaint.

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



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact, 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 No.III, Salem**, 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 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 is directed to surrender before the trial Court and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant.

(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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-sd/-
01/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT
SESSIONS JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.III, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SEVVAIPETTAI POLICE STATION,
SALEM.

+1 CC to M/S. J.POVAS Advocate on payment of necessary charges
SR.NO.13787

CRL OP.22867/2021

Date :01/12/2021

TA-07/12/2021