



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25153 of 2021

1.V.Karthick

2.B.Baskar

... Petitioners

Versus

The State represented by
The Inspector of Police,
Kayaar Police Station,
Chengalpattu District.
(Crime No.403 of 2010)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners / accused on anticipatory bail in the event of arrest on Non-bailable warrant in S.C.No.198 of 2010 issued by the learned Hon'ble III Additional District and Sessions Court, Chengalpattu, pending trial.

For Petitioners : Mr.V.Ramana Reddy

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 324, 302 r/w 34 of IPC in Crime No.403 of 2010 in S.C.No.198 of 2010, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were promptly appearing in the said case before the trial Court in the initial stages and were complied with all the necessary instructions by the trial Court. While facts are being so, they were under life threat made by few rival group, even the said rival group demolished the petitioners dwelling house, which made the petitioner to leave the vicinity and safeguard themselves. In order to escape from the above said life threat from their rivalry group the petitioners were out of



station after their last attendance towards the trial on 20.03.2017 before the trial Court. Due to the above said life threat after 20.03.2017 the petitioners could not be in a position to present themselves before the trial Court. Owing to the continuous absence towards the trial in S.C.No.198 of 2010 the trial Court issued Non Bailable Warrant against the petitioners on 31.10.2017. Thereafter, the petitioners are apprehended of arrest under the hands of the respondent police. Hence this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners 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 the trial Court issued Non Bailable Warrant to the petitioners for their absence. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned III Additional District and Session Court, Chengalpattu, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties (one blood surety) 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 sureties (one blood surety) 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 trial Court regularly for the period of three months for trial proceedings;

(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 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]; and;

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

-sd/-
22/12/2021

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
AND SESSIONS COURT, CHENGALPET.

2 THE INSPECTOR OF POLICE,
KAYAAR POLICE STATION,
CHENGALPATTU DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.RAMANA REDDY Advocate on payment of necessary charges SR.NO.15371

CRL OP.25153/2021

Date :22/12/2021

JPA 28/12/2021