



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12355 of 2022

ABISHEIK

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ERAVANCHERRY POLICE STATION,
THIRUVARUR
CRIME NO.16 OF 2022

[RESPONDENT]

For Petitioner : M/S.J.JAWAHAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 229-A of I.P.C in Crime No.16 of 2022, seeks anticipatory bail.

2. The contention of the petitioner is that earlier in Crime No.761 of 2020, the petitioner along with other accused has filed an Anticipatory Bail Petition and this Court, by order dated 27.01.2022 in Crl.O.P.No.1370 of 2022 granted Anticipatory Bail to them. Thereafter, for some reasons, the petitioner was unable to execute the sureties. In the meanwhile, the case has been committed to the Court of Sessions in S.C.No.72 of 2021. For the non-appearance, Non-Bailable Warrant has been issued in S.C No.72 of 2021. Against which, the petitioner along with other accused again filed an Anticipatory Bail Petition in Crl.O.P.No.12288 of 2022 and this Court, vide order dated 19.05.2022, granted anticipatory bail to them. The order copy has been dispatched today i.e., on 26.05.2022. In the meanwhile, an F.I.R has been registered in Crime No.16 of 2022 for offence under Section 229-A of IPC.



3. The learned counsel for the petitioner would submit that since this Court had already granted Anticipatory Bail to the petitioner in CrI.O.P.No.12288 of 2022 dated 19.05.2022, he prays to grant anticipatory bail to the petitioner in this petition also.

4. The learned Government Advocate (CrI.Side) appearing for the respondent raised objection to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the fact that this Court had already granted Anticipatory Bail Petition in CrI.O.P.No.12288 of 2022 dated 19.05.2022, 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 on which the order copy made ready, before the learned Judicial District Munsif cum Judicial Magistrate, Nannilam, Thiruvavarur District, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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.

-sd/-
26/05/2022

WEB COPY

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
THIRUVARUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.JAWAHAR Advocate on payment of necessary charges
SR.NO.7950

CRL OP.12355/2022

Date :26/05/2022

JPA 31/05/2022