



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 Nos.12465 & 12493 of 2022

PRAKASH [PETITIONER/ACCUSED IN CRL.OP.NO.12465/2022]

KARTHIK @ KAKKA KARTHI [PETITIONER/ACCUSED IN CRL.OP.NO.12465/2022]

Vs

THE INSPECTOR OF POLICE [RESPONDENT IN BOTH THE PETITIONS]
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.
CRIME NOS. 1330 & 1331 OF 2021.

For Petitioner : M/S.M.VIJAYA RAGAVAN Advocate
(IN BOTH THE PETITIONS)

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)
(IN BOTH THE PETITIONS)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under section 229A of IPC, in Crime Nos.1330 and 1331 of 2022 respectively, on the file of the respondent police, seek anticipatory bail.

2. The complaint is that the petitioners/A1 and A3, who are facing trial in S.C.No.34 of 2020 before the Principal District and Sessions Judge, Perambalur, failed to appear before the trial court on 22.07.2021 and hence, F.I.R. registered on 22.09.2021. A1 appeared before the trial court and recalled the NBW on 31.03.2022. As far as A3 is concerned, he is taking steps to recall the NBW.

4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that the petitioner/A1 got three previous cases and the petitioner/A3 got six previous cases against him. In all the cases, they obtained bail. He further submitted that they are delaying the process of trial by not attending the trial court.



5. Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

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6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to 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 fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate I, Perambalur, on condition that each of the petitioners 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 petitions for anticipatory bail shall be 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to appear before the trial Court in S.C.No.34 of 2020 on all hearings without fail.

(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.

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-sd/-

26/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NOS.7959 & 7957

CRL OP.Nos.12465 & 12493/2022

Date :26/05/2022

RVR 31/05/2022