



Crl.M.P.No.12041 of 2022 in Crl.O.P.No.11367 of 2022

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G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the anticipatory bail granted to the respondent/Accused Carthigueyan in Crl.O.P.No.11367 of 2022 by an order dated 18.05.2022 in Crime No.03 of 2018 on the file of the petitioner herein.

2. Heard both sides.

3. On the complaint, the petitioner registered an FIR in Crime No.03 of 2018 for the offences under Sections 420, 465, 467, 468 and 471 of IPC. Therefore, the respondent apprehends arrest and filed a petition was anticipatory bail.

4. While granting anticipatory bail to the respondent, this Court imposed the following 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 Metropolitan Magistrate for CBCID cases, Egmore, Chennai, 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 and 5.30 p.m until further orders.

[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."

5. Accordingly, the petitioner complied the conditions for few days and thereafter, filed a petition for modification on the ground of illness, in Crl.M.P.No.7714 of 2022 in Crl.O.P.No.11367 of 2022. By an order dated 20.06.2022, this Court modified the condition and directed the petitioner to report before the respondent police daily at 10.30 a.m, till 04.07.2022. However, the respondent failed to comply the said condition and as such the petitioner is being an Investigating Officer, filed this petition to cancel the anticipatory bail granted to the respondent.

6. The learned counsel for the respondent produced the medical records stating that the respondent is suffering from various illness, including spinal cord issue and therefore, a surgery is fixed for the respondent by next week. Immediately after completion of surgery, he is ready and willing to report before



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the petitioner for interrogation.

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7. A perusal of the medical records revealed that the petitioner is suffering with spinal cord issue and planned to undergo a surgery on his spinal cord.

8. Considering the facts and circumstances of the case, this Court is not inclined to cancel the anticipatory bail granted to the respondent. However, the respondent is directed to report before the petitioner from 17.10.2022 to 28.10.2022, daily at 10.30 a.m. Failing which, the anticipatory bail granted to the petitioner in Crl.O.P.No.11367 of 2022 dated 18.05.2022, stands automatically cancelled and the petitioner is at liberty to secure the respondent and proceed in accordance with law.

9. In view of the above, this Criminal Miscellaneous Petition stands dismissed.

27.09.2022

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G.K.ILANTHIRAIYAN, J.



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