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Crl.MP.No.13892 of 2022

Crl.MP.No.13892 of 2022 in
Crl.OP.No.10385 of 2022

G.K.ILANTHIRAIYAN, J.

This miscellaneous petition has been filed for cancelling the anticipatory bail granted to respondents 2 to 4 herein in Crl.OP.No.10385 of 2022 in crime No.22 of 2021 on the file of the first respondent herein by order dated 24.06.2022.

2. Heard, the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent / police and the learned counsel for respondents 2 to 4.

3. While granting anticipatory bail to respondents 2 to 4 herein, this Court imposed the following condition:

“6. Accordingly, the petitioners are directed to



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jointly deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of crime No.22 of 2021, within a period of six weeks from the date on which the order copy made ready and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate-IV, Vellore on condition that each of the petitioners shall execute a separate 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 petitioners shall jointly deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of crime No.22 of 2021 on the file of the respondent police, within a period of six weeks from the date on which the order copy made ready, before the Magistrate concerned.



[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall report before the respondent police as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

*[g] 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]**.*

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.”

4. However, respondents 2 to 4 failed to comply with the condition to deposit a sum of Rs.10,00,000/- to the credit of crime No.22 of 2021 on the file of the Judicial Magistrate-IV, Vellore within the stipulated time. As such, the



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defacto complainant has filed this petition to cancel the anticipatory bail.

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5. While pending the said petition, respondents 2 to 4 herein were willing to comply with the condition and as such, this Court extended the time for compliance till 23.09.2022. Accordingly, respondents 2 to 4 complied with the condition imposed by this Court on 21.09.2022, thereby a sum of Rs.10,00,000/- was deposited to the credit of Cr.No.22 of 2021 on the file of the first respondent.

6. In view of the above, there is no ground to cancel the anticipatory bail granted by this Court to respondents 2 to 4. Accordingly, this criminal miscellaneous petition is dismissed.

16.11.2022

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