



Crl.O.P.Nos.21634 & 21641 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148 and 506(i) of IPC in Crime No.167 of 2018, seek anticipatory bail.

2. On 28.10.2021, the petitioners received the summons from the learned Judicial Magistrate, Thiruthuraipoondi mentioning that the case has been taken on the file of C.C.No.42 of 2021 and the same was pending and the petitioners were directed to appear before the Court on 06.12.2021. After receiving the same, the petitioners duly enquired about the same before the respondent Police and they came to know that the case in Crime No.167 of 2018 has been registered and the investigation has been completed. After registering the case, the respondent Police never issued any summons to the petitioners, whereas the charge sheet has been filed as if the petitioners were absconding and a Non Bailable Warrant has been issued.



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3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were not aware of the case and absconding charge sheet has been filed against the petitioners in C.C.No.42 of 2021 and the trial Court without issuing summons, has straight away issued Non Bailable Warrant to the petitioners. He would submit that the petitioners are ready to surrender and furnish the sureties and also undertake to cooperate for speedy disposal of the case.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the respondent Police filed final report in C.C.No.42 of 2021 before the learned Judicial Magistrate, Thiruthuraipoondi and the trial Court had issued Non Bailable Warrant to the petitioners on 06.12.2021.

5.Taking into consideration the facts of the case and submissions made by the learned counsel and also taking note of the fact that the petitioners are ready to surrender and execute sureties, this Court is inclined to grant bail to the petitioners with certain conditions.



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6. 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, Thiruthuraipoondi 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 petition for anticipatory bail shall stand 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the trial Court everyday at 10.30 a.m for a period of one week and thereafter on all hearing dates without fail;

[c] the petitioners shall not tamper with evidence or witness during trial;



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[d] the petitioners shall not abscond during 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

12.09.2022

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