



Crl.O.P.No.22575 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest in pursuance to the Non-Bailable Warrant dated 28.10.2020 issued by the learned Chief Judicial Magistrate, Perambalur for the offence under Sections 279 and 304(A) of IPC in C.C.No.38 of 2015, seeks anticipatory bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner is an accused facing trial in C.C.No.38 of 2015 on the file of the learned Chief Judicial Magistrate, Perambalur for the offences under Sections 279 and 304(A) of IPC. He would further submit that the petitioner was affected by the COVID-19, therefore he was unable to appear before the trial Court on 28.10.2020. Thereby, the trial Judge has issued NBW as against him. He would further submit that the petitioner's health condition has got retarded and he was unable to surrender and re-call the NBW. He would further submit at the time of issuing NBW the case is posted for arguments and the presence of the petitioner was not necessary on that particular date. He would further submit that the petitioner is ready to surrender and cooperate for the



Crl.O.P.No.22575 of 2022

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disposal of the case at the earliest and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner did not appear before the trial Court on 28.10.2020 thereby, the trial Court has issued NBW as against him. He would further submit that the offence under Sections 279 and 304(A) of IPC are bailable in nature. The next date of hearing is fixed on 28.10.2022.

5. Taking into consideration the facts and submissions, that the petitioner has volunteered to surrender, a direction is issued to the petitioner to surrender before the trial Court within a period of two weeks from the date on which the order copy is made ready and to file an application for recalling the warrant. On such appearance, the learned Magistrate is directed to re-call the NBW issued as against the petitioner and the petitioner shall file an affidavit of undertaking that he will co-operate for speedy disposal of the case.



Crl.O.P.No.22575 of 2022

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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 Magistrate – I, Perambalur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 appear before the trial Court on every Monday till 28.10.2022 and also on the next hearing date on 28.10.2022 and thereafter on all hearing dates fixed by the trial Judge.

[c] the petitioner shall not tamper with evidence or witness either during trial.



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Crl.O.P.No.22575 of 2022

A.D.JAGADISH CHANDIRA, J.

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[d] the petitioner shall not abscond either during 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.

21.09.2022

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Crl.O.P.No.22575 of 2022