



Crl.O.P.No.23104 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 506(i) altered into 120(B), 420, 506(i), 170 and 419 of IPC, in C.C.No.562 of 2020, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the respondent police has filed an absconding charge sheet as against the petitioner. The petitioner was not aware of the case against her. He would further submit that the trial Court without issuing any summons has straight away issued Non-Bailable Warrant against the petitioner herein. The petitioner apprehends arrest pursuant to the Non Bailable Warrant. It is also submitted by the learned counsel that the petitioner is prepared to execute sureties and to surrender before the concerned court. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) would submit that absconding charge sheet has been filed against the petitioner. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Taking into consideration that an absconding charge sheet has been filed and that without issuing summons Non Bailable Warrant has been issued to the petitioner and that the petitioner has volunteered to surrender, the court is inclined to grant Anticipatory Bail to the petitioner.

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 **Judicial Magistrate Court No.VI, Salem** 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 report before the



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respondent police every day at 10.30 am for a period of two weeks and thereafter on the dates fixed by the learned Magistrate concerned.

[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.

23.09.2022

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