



Crl.O.P.No.26088 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 294(b), 323, 324, 506(ii) of IPC @ 147, 148, 294(b), 323, 324 and 506(ii) of IPC r/w 149 and 109 of IPC in C.C.No.70 of 2022, seek anticipatory bail.

2.The learned counsel appearing for the Petitioners would submit that the petitioners are arrayed as accused Nos.5 to 7 facing trial in C.C.No.70 of 2022 pending on the file of the Judicial Magistrate, Vandavasi for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC r/w 149 and 109 of IPC. He would submit that the name of the petitioners does not find place in the FIR and they were not aware of the case being registered against them. Further, the respondent only at the time of filing the final report has arrayed the petitioners as accused Nos.5 to 7, based on which, an absconding charge sheet has also been filed and later, Non Bailable Warrant was issued against them. He would further submit that the petitioners were not at all aware of the case being



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registered against them and the petitioners are ready to surrender before the Court and co-operate with the respondent for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioners.

3.The learned Government Advocate (Crl.Side) would submit that the petitioners are habitual offenders against whom there are several cases pending against them. He would fairly concede that the name of the petitioners do not find place in the FIR and they were not arrested during the investigation and an absconding charge sheet has also been filed, based on that, Non Bailable Warrant of arrest has been issued against them. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case, it is seen that the petitioners were not named in the FIR and further, they were not arrested during the course of investigation. Based on the



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absconding charge sheet, without issuing summons, straight away issued Non Bailable Warrant of arrest against the petitioners. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Vandavasi**, on condition that each of the petitioners shall execute separate 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 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.



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[b] the petitioners shall report before the learned Judicial Magistrate, Vandavasi on every working day at 10.30 a.m., for a period of two weeks and thereafter, on the date fixed by the trial Court.

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

[d] the petitioners 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 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.

10.11.2022

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