



Crl.O.P.No.28368 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Section 306 of IPC in Crime No.107 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is an accused in Cr.No.107 of 2019 registered for the offence under Section 306 IPC. The petitioner was arrested and remanded to judicial custody on 11.03.2020, he was later granted Covid/interim bail in Crl.MP.No.6535 of 2020 dated 24.03.2020 by the learned Principal Sessions Judge, Chennai with a condition that he should surrender before the concerned Magistrate on 15.04.2020 and execute sureties. However, in view of continuance of pandemic, the petitioner was unable to surrender and execute the sureties. When the petitioner went to execute the sureties, the Magistrate refused to accept the sureties as the time granted for executing the sureties got lapsed. Thereafter, the petitioner had filed petition for bail before the Principal Sessions Judge, Chennai in Crl.MP.No.20641 of 2022, the same was dismissed on 31.10.2022 stating that the petitioner had not come forward to surrender before the concerned Magistrate, even after resumption of regular Court proceedings after the pandemic. He would submit that the petitioner was always ready and willing to get along with the case. He would further submit



that as on date the investigation has been completed and the charge sheet has been filed and it is pending committal in PRC.No.60 of 2022 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai. Hence, he prays for grant of anticipatory bail to the petitioner.

3. The learned Additional Public Prosecutor would submit that originally interim bail was granted by the learned Principal Sessions Judge, Chennai on 24.03.2020 in CrI.MP.No.6535 of 2020 directing the petitioner to surrender before the concerned Magistrate on 15.04.2020. The petitioner failed to comply with the conditional order dated 24.03.2020. In the meanwhile, the respondent completed the investigation and filed the charge sheet in PRC.No.60/2022 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai. Thereafter, the petitioner has filed bail petition in CrI.MP.No.20641 of 2022 before the learned Principal Sessions Judge, Chennai, the same was dismissed on 31.10.2022. Hence, he oppose for grant of anticipatory bail to the petitioner.

4. Heard both sides and perused the materials available on record.

5. Considering the submissions and on perusal of the materials, this Court finds that already charge sheet has been filed and the same was taken up on



file in PRC.No.60 of 2022 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and now the petitioner is ready and willing to execute the sureties, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each 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 respondent police daily at 10.30am for a period of two weeks and thereafter on all hearing dates fixed by the trial Court.

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



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

21.11.2022

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