



Crl.O.P.No.28497 of 2022

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A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 384 and 506(ii) of IPC in Crime No.270 of 2009, seeks anticipatory bail.

2.The learned counsel for the petitioner would submit that the respondent had completed investigation in Crime No.270 of 2009 and filed the final report and the case has been taken on file in P.R.C.No.72 of 2013 on the file of the V Metropolitan Magistrate, Egmore. He would submit that the name of the petitioner does not find place in the FIR, however, at the time of filing the final report, the respondent has included the name of the petitioner and the petitioner has shown as an absconding accused. The learned Magistrate without issuing summons and without taking proper steps had straight away issued Non Bailable Warrant of arrest against the petitioner in P.R.C.No.72 of 2013. He would also submit that the petitioner is ready and willing to surrender before the concerned Court and execute the sureties and also co-operate for speedy



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disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor would submit that the name of the petitioner does not find a place in the FIR and he was shown as an absconding accused and thereafter, the committal Court has issued Non Bailable Warrant of arrest against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

5.Taking into consideration the facts and submissions of the learned counsel and also of the fact that the petitioner was not an accused in the FIR and he was shown as an absconding accused and the learned Magistrate without issuing summons had straight away issued Non Bailable Warrant and further, the petitioner is voluntarily surrender before the concerned Court and execute the sureties, this Court is inclined



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to grant anticipatory bail to the petitioner.

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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 Metropolitan Magistrate No.V, Egmore**, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 learned Metropolitan Magistrate No.V, Egmore on every working days at 10.30 a.m., for a period of two weeks and thereafter, on the date fixed by the learned Magistrate.



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[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.

24.11.2022

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A.D.JAGADISH CHANDIRA, J.



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24.11.2022