



Crl.O.P.No.29136 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 338 of IPC @ 304(A), 302 of IPC @ 201, 205 r/w 302 of IPC @ 201, 205, 353 of IPC r/w 302 of IPC & 4(1)(aa) of Transport TNP Act, 1937 in S.C.No.135 of 2018, seeks anticipatory bail.

2.The learned counsel for the petitioner would submit that the petitioner is facing Trial in S.C.No.135 of 2018 on the file of the Additional Sessions Judge, Mayiladuthurai. The petitioner has regularly appearing before the Trial Court. Due to illness, he was unable to appear on 04.08.2022, therefore, the learned Judge had issued a non bailable warrant against him. Hence, he prays to grant of anticipatory bail to the petitioner.



3.The learned Government Advocate (Crl.Side) would submit that the petitioner is an accused in S.C.No.135 of 2018 on the file of the Additional Sessions Judge, Mayiladuthurai. The petitioner did not appear before the Trial Court on 04.08.2022. Therefore, the learned Judge had issued non bailable warrant against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

5.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this 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 **learned**



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Additional District Court, Mayiladuthurai on condition that each of the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 Additional District Court, Mayiladuthurai every Monday and Wednesday at 10.30 am for a period of eight weeks and thereafter, appear before the Trial Court on all hearing dates.

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

23.12.2022

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