

CRL.O.P.No.30526 of 2022WEB COPY **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 229(A) of IPC, in Crime No.141 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Maheswari who was the Head Clerk of the Additional District (Fast Track) Court, Mettur has given a complaint stating that the petitioner did not comply the bail order and he was called absent on 31.07.2019 before the Court below in connection with the case in S.C.No.155 of 2010 pending on the file of the Additional District (Fast Track) Court, Mettur. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that due to illness the petitioner was unable to appear before the Court below. The earlier anticipatory bail in Crl.OP.No.32273 of 2019 before this Court on 02.12.2019 was pleased to issue direction to the petitioner to file a petition to recall the NBW before the concerned Court and as such the petitioner did not get the bail in so far as the case in Crime No.141 of 2019 pending on the file of the respondent police. He further submitted that the petitioner has filed a petition to recall NBW before the concerned Court. Hence, he prays for grant of anticipatory bail to



the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has filed a petition to recall NBW before the concerned Court. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate I, Mettur, Salem district on condition that 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 is directed to appear before the trial Court on



every Tuesday at **10:30 a.m., for a period of four weeks and also appear before the trial Court on all hearings without fail.**

[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.

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