



Crl.OP.No.32552 of 2022

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A.A.NAKKIRAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC, in C.C.No.937 of 2017 on the file of the learned XIII MM Court, Egmore, Chennai, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 406 and 420 of IPC, in C.C.No.937 of 2017 on the file of the learned XIII MM Court, Egmore, Chennai and during trial, he did not appear before the trial Court, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that since the petitioner suffered ill health, he could not appear before the lower Court and hence non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.

4.The learned Government Advocate (Crl. Side) would submit that



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since the petitioner did not appear before the Court during trial, non bailable warrant was issued against him. If the petitioner is released on bail, he may tamper the evidences and hence, the learned counsel vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned XIII MM Court, Egmore, Chennai 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.



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[b] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

28.12.2022

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A.A.NAKKIRAN, J.



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