



Crl.M.P.No.729 of 2023
in
Crl.O.P.No.15754 of 2022

G.K.ILANTHIRAIYAN, J.

This Criminal Miscellaneous Petition has been filed to issue direction to S.Nagaraj, petitioner in Crl.O.P.No.15754 of 2022, to comply the condition imposed on him that to deposit Rs.8,75,000/-(Rupees Eight Lakhs Seventy Five thousand only) by way of Demand Draft, in favour of the defacto complainant in Crl.O.P.No.15754 of 2022 dated 18.07.2022.

2. This Court in Crl.O.P.No.15754 of 2022 vide order dated 18.07.2022 had granted anticipatory bail to the first respondent with the following conditions which is extracted hereunder:

*8. 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 Chief Judicial Magistrate Court, Salem 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 shall deposit a sum of Rs.8,75,000/-Rupees Eight Lakhs Seventy Five thousand only) by way of Demand Draft, in favour of the defacto complainant, within a period of six weeks from the date of receipt of copy of this order.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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3. The learned Government Advocate (Crl.side) for the respondent police would submit that so far, the first respondent did not surrender and also he had not complied any of the conditions imposed by this Court.

4. In view of the above, this Court clarifies that if the 1st respondent fails to comply any of the conditions imposed by this Court, the anticipatory bail petition filed by the 1st respondent shall stand automatically cancelled. The 1st respondent is directed to deposit a sum of Rs.8,75,000/-(Rupees Eight Lakhs Seventy Five thousand only) by way of Demand Draft in favour of the defacto complainant in Crl.O.P.No.15754 of 2022 dated 18.07.2022 within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Miscellaneous Petition is disposed of.

06.02.2023

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