



Crl.O.P.No.5889 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent police in connection with the Non-bailable Warrant issued against her in S.T.No.952 of 2020 on the file of the learned Special Judicial First Class Magistrate VII (N.I Act cases) Kozhikode, Kerala, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner is the Accused No.2 facing trial in S.T.No.952 of 2020 on the file of the Special Judicial First Class Magistrate VII (N.I Act cases) Kozhikode, Kerala. He further submitted that the petitioner was not served with any summons from the learned Magistrate. However, the petitioner understands that Non-Bailable Warrant has been issued against her by the learned Trial Judge to be executed through the respondent police. He submitted that charge levelled against the petitioner is bailable in nature and the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to follow the procedure as



Crl.O.P.No.5889 of 2023

contemplated under Section 81 of Cr.P.C., by surrendering before the police concerned. Further, he submitted the case is posted before the trial court on 18.04.2023 and she is ready to appear before the court concerned and take steps to recall the Non Bailable Warrant issued against her on that day. Hence, he prays for grant of anticipatory bail to the petitioner.

3. Learned Public Prosecutor, Pondichery appearing for the respondent submitted that the petitioner is Accused No.2 in S.T.No.952 of 2020 on the file of the Special Judicial First Class Magistrate VII (N.I Act cases) Kozhikode, Kerala. The learned Magistrate has issued Non Bailable Warrant against the petitioner for her non-appearance before the Court.

4. Heard both sides and perused the materials available on record.

5. Considering the above facts and circumstances of the case and the submissions made on either side, the petitioner is ordered to be released on anticipatory bail on her surrendering before the



CrI.O.P.No.5889 of 2023

Superintendent of Police (West), Pondicherry, or in the event of arrest or on her appearance, within a period of two days from the date on which the order copy is made ready, and the petitioner shall also file an Affidavit of Undertaking before the Superintendent of Police concerned that she would furnish security and she would appear before the learned Special Judicial First Class Magistrate VII (N.I Act cases) Kozhikode, Kerala on the next hearing date ie., 18.04.2023.

6. Further condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 conditions 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.



Crl.O.P.No.5889 of 2023

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

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

[d] 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]**.

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

7. With the above observation, the Criminal Original Petition stands closed.

10.04.2023

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Note: Issue Order Copy on 11.04.2023



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Crl.O.P.No.5889 of 2023

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Crl.O.P.No.5889 of 2023

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