



Crl.O.P.No.3823 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police, in respect of the non-bailable warrant issued in S.C.No.21 of 2017 on the file of the learned XV Additional Court, Chennai, for the offences punishable under Sections 399 of IPC and Section 25 of Arms Act, in Crime No.412 of 2007, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.431 of 2013 on the file of the learned XV Additional Court, Chennai in connection with Crime No.412 of 2017. He further submitted that due to the illness, the petitioner was unable to appear before the Court on 10.06.2016 and he was also unable to surrender and recall the warrant. He also submitted that the case has been split up against the petitioner and numbered as S.C.No.21 of 2017 and the co-accused in this case has been acquitted. He also stated that the petitioner is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties. He further submitted that the petitioner is ready to



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co-operate for speedy disposal of the trial. Therefore, he prays for grant of anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner failed to appear before the Court and therefore, the Court has issued a NBW against him on 10.06.2016. He also submitted that the case in S.C.No.431 of 2013 has been split up against the petitioner and numbered as S.C.No.21 of 2017. Hence, he opposed to grant anticipatory bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and also considering the undertaking given by the petitioner that he is ready to co-operate for speedy disposal of the trial, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 **XV Additional Judge, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one should be the blood surety, who should produce document to show his/her means), 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 stands 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 appear before the learned trial Court on every Tuesday at 10.30 a.m., and also on all hearing dates, without fail;

[c] the petitioner shall not tamper with evidence or witness during trial;



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[d] the petitioners shall not abscond during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229-A IPC;

22.02.2023

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