



Crl.O.P.No.5023 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 302, 506(ii) r/w 120(B) and 149 of IPC, in Crime No.135 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner was accused in Crime No.135 of 2014. He was arrested and released on bail and thereafter the petitioner was expecting summons from the Court, whereas, the respondent police after completing the investigation, filed a final report before the learned V Metropolitan Magistrate, Egmore and the case has been taken up in PRC.No.69 of 2016. However, summons was not served on the petitioner and he was shown as an absconding accused and since he did not appear, the case was split up as against the other accused and committed to the Court of the 18th Additional Sessions Judge and the case has been taken up for Trial in S.C.No.322 of 2022, wherein, the case against the petitioner has



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been split up and taken in PRC.No.108 of 2022, and a Non Bailable Warrant was issued against the petitioner on 01.09.2022. Later, the petitioner came to know about the issuance of non bailable warrant, approached this Court. He would further submit that the petitioner was expecting summons and that is the reason for him not appearing before the Court. He would also submit that earlier the petitioner has been granted anticipatory bail and he would further submit that the petitioner is ready to appear before the learned V Metropolitan Magistrate, Egmore, Chennai and to co-operate for speedy committal and later trial by the Court of sessions and he is also ready to furnish sufficient sureties. Therefore, he prays for grant of anticipatory bail to the petitioner.

3. The learned Government Advocate (Crl.side) appearing for the respondent would submit that there are totally 10 accused in this case and the petitioner is arrayed as A10 in this case. He would further submit that the petitioner herein was originally granted anticipatory bail. Thereafter, the respondent police, after completing the investigation, filed a final report and the case was taken up in PRC.No.69 of 2016. Since,



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the petitioner did not appear and the case was split up as against the petitioner and the case was taken up in PRC.No.108 of 2022 in respect of the other accused the case was committed to the Court of sessions and now it is pending trial before the 18th Additional Sessions Judge in S.C.No.322 of 2022. However, he would object for grant of anticipatory bail to the petitioner.

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

5. Taking into consideration the facts and circumstances of the case, 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, within a period of fifteen days from the date on which the order copy made ready, before **the learned V Metropolitan Magistrate, Egmore, Chennai**, on condition that the



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petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties out of which one shall be blood relative 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 report before the learned V Metropolitan Magistrate, Egmore, Chennai on all working days at 10.30 a.m., until the case is committed and also report before the respondent police every Saturday at 6.30 p.m., until further orders.

[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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

15.03.2023

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