



Crl.O.P.No.8037 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 229(A) of IPC in Crime No.116 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Maheswai who is the head clerk of the Additional District court, Mettur is that the petitioner herein is the accused in Crime No.131 of 2009 and he was granted bail on 04.12.2018. Since, the petitioner failed to appear on 21.01.2019, Nonailable Warrant has been issued against him. Subsequently, the petitioner surrendered on 08.07.2022 before the Additional District Judge(FTC), Mettur and the said Warrant has been recalled. In the mean time, the present case has been registered in Crime No.116 of 2019.

3.The learned counsel for the petitioner would submit that without proper verification a case has been registered in Crime No.131 of 2019 and thereafter the case was taken up for trial in S.C.No.382 of 2010 on the file of Additional District Judge (FTC) Mettur, since he did not



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appear the Trial Court on 21.09.2019, NBW was issued against him and the case. Subsequently the petitioner voluntarily surrendered on 08.07.2022 and the said Warrant has been recalled and the next hearing date was also fixed by the learned Judge. Hence, he prays for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor would submit the accused was granted bail on 04.12.2018, since he did not appear the Trial Court on 21.09.2019, NBW was issued against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

5.Taking into consideration the facts and submissions of the learned counsel and also of the fact that the petitioner has voluntarily surrendered before the concerned Court and NBW was recalled, this Court is inclined to grant anticipatory bail to the petitioner.



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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 Judicial Magistrate No.I, Mettur** , on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 report before the learned Additional District Judge(FTC), Mettur on every working days at 10.30 a.m., for a period of two weeks and thereafter, on the date fixed by the learned Magistrate.

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



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

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

24.04.2023

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