



Crl.O.P.No. 9059 of 2023

Crl.M.P.No.9059 of 2023
in Crl.O.P.No. 18331 of 2022

G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the anticipatory bail granted to the respondents 1 to 3 herein in Crl.O.P.No.18331 of 2022 by an order dated 16.08.2022.

2. The learned counsel appearing for the petitioner submitted that though this Court granted anticipatory bail to the respondents 1 to 3 on condition to deposit a sum of Rs.2,00,000/- to the credit of Crime No.134 of 2022 within a period of four weeks, they failed to deposit any amount and execute any surety sofar.

3. This Court granted anticipatory bail to the respondents 1 to 3 on the following conditions :

[a] the 1st, 3rd and 4th petitioners 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 1st, 3rd and 4th petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.134 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.



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[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the 1st, 3rd and 4th petitioners 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 .

[e] the 1st, 3rd and 4th petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the 1st, 3rd and 4th petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st, 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 1st, 3rd and 4th 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]**.

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

4. Sofar, the respondents 1 to 3 did not produce any surety and failed to comply with any of the conditions imposed by this Court. In



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fact, this Court had categorically stated that failing the compliance of condition imposed by this Court, the anticipatory bail shall stand automatically cancelled. As the respondents 1 to 3 failed to execute any surety and failed to comply with the conditions imposed by this Court, the application for anticipatory bail stands dismissed.

5. With the above observation, this petition stands disposed of.

26.07.2023

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