



Crl.O.P.No.20263 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 397, 394 of I.P.C, in Crime No.306 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 01.10.2018, when the de-facto complainant went to deposit the amount of Rs.5,00,370/- in SBI bank by his two wheeler. At that time, unidentified person followed the de-facto complainant bike and intercepted him and pushed down. Suddenly, one person came with knife and attacked the de-facto complainant and he is sustained injury and unidentified person snatched the above said amount from him and escaped from the spot. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



CrI.O.P.No.20263 of 2023

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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner did not appear before the Court and the trial Court had issued Non-Bailable-Warrant of arrest against the petitioner on 19.01.2023. He further submits that the option available for the petitioner is surrender before the concerned Court and file an application for re-calling the warrant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side that Non-Bailable-Warrant was issued to the petitioner and the summons not served to the petitioner, the petitioner is directed to appear before the trial Court at 10.30 a.m, on everyday.

7. 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, Nannilam**, on condition that the petitioner shall



execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 trial Court on everyday at 10.30 a.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.

[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



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CrI.O.P.No.20263 of 2023

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

07.09.2023

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Crl.O.P.No.20263 of 2023

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nvi

Crl.O.P.No.20263 of 2023

07.09.2023