



Crl.O.P. No.21639 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest on the Non Bailable Warrant issued by the Judicial Magistrate No.III, Vellore, Vellore District in C.C.No.485 of 2018 in Crime No.402 of 2016, seeks anticipatory bail.

2. The learned Counsel for the Petitioner would contend that the petitioner was working as Driver under the 1st accused and after sometime he left his job and went to abroad for his employment and he return back only on 23.08.2024 for attending his mother's death ceremony. Now, the respondent police went to the petitioner's house and made search for execution of Non Bailable Warrant, then only the petitioner came to know that the case was registered against the petitioner and the pending trial. The trial Court without issuing summons to the petitioner, issued Non Bailable Warrant against the petitioner. Due to pendency of the Non Bailable Warrant there is an apprehension that the petitioner may arrested by the respondent police. Hence, he filed the present anticipatory bail application.



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3. The learned Government Advocate (Criminal Side) would submit that the Judicial Magistrate No.III, Vellore, Vellore District has taken cognizance in C.C.No.485 of 2018 for the offences punishable under sections. 294(b), 506(i), 420 of IPC. The trial Court has issued Non Bailable Warrant against this petitioner and the said Non Bailable Warrant is still pending. Hence, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

4. Heard both side and perused the materials available on record.

5. Considering the rival submissions on either side, considering that in this case investigation already completed and charge sheet has been filed and the petitioner was in abroad and no previous case is pending against the petitioner and also considering the nature of offence and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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6. Accordingly, the petitioner is ordered to be released on anticipatory 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.III, Vellore** on condition that the petitioners shall execute a 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Judicial Magistrate No.III, Vellore on every Monday at 10.30a.m. for the period of four weeks;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

[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 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 269 B.N.S.2023.

05.09.2024

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