



Crl.O.P.No.28705 of 2024

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WEB C A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with S.C.No.295 of 2022, pending on the file of the learned Sessions Court, Magalir Neethimandram, Chennai, in connection with Crime No.09 of 2019 registered for the offences punishable under Sections 417, 376, 406, 506(ii), 294(b), 109 of IPC which was subsequently altered into Sections 376, 316, 417, 406, 420, 506(ii) and 509 of IPC, the present petition has been filed seeking anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is facing trial in S.C.No.295 of 2022 on the file of learned Sessions Court, Magalir Neethimandram, Chennai, for the offences under Sections 417, 376, 406, 506(ii), 294(b), 109 of IPC which was subsequently altered into Sections 376, 316, 417, 406, 420, 506(ii) and 509 of IPC. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates, while so, due to illness, he was unable to appear before the trial Court on 06.05.2024, thereby, a Non Bailable Warrant was issued by the trial Court, against him. He also submitted that the petitioner is ready to appear before the trial Court and also he is ready to co-operate for speedy disposal of the trial. Hence, she prays for grant of anticipatory bail to the petitioner.



3. Learned Government Advocate (Crl.side) submitted that since the petitioner, who is an accused facing trial in S.C.No.295 of 2022 on the file of learned Sessions Court, Magalir Neethimandram, Chennai, has failed to appear before the trial Court on 06.05.2024, the trial Court has issued a Non-Bailable Warrant of arrest against him. He also submitted that due to the absence of the petitioner, the trial Judge is unable to proceed with the trial. He further submitted that the only option available to the petitioner is to surrender before the Court concerned and to file petition seeking to recall the warrant and therefore the petition for anticipatory bail may not be maintainable. Hence, he object for grant of anticipatory bail.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly he 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 of receipt of a copy of this order, before the learned Sessions Court, Magalir Neethimandram, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties (one of the surety shall be blood related surety) each



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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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall appear before the Trial Court on all working days at 10.30 a.m.

[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 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 269 of BNS.

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