



Crl.O.P.No.27884 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 399 of IPC in Crime No.1943 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner was arrested in Crime No.1943 of 2020 by the respondent police and he was granted bail with certain conditions. Thereafter, the respondent police had filed final report in the pending trial in P.R.C.No.09 of 2021, since the petitioner was subsequently arrested by the Andhra Pradesh Police in Crime No.429 of 2021 under NDPS Act, he was unable to appear before the Trial Court on the hearing dates and thereby, the Non-Bailable Warrant came to be issued against the petitioner for non-appearance before the Trial Court. He would further submit that, now the petitioner is ready to appear on the next hearing date i.e., on 04.12.2024 without fail and the petitioner is ready to abide by any



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condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of anticipatory bail to the petitioner would submit that, since the petitioner had not appeared before the Court pending committal in P.R.C.No.09 of 2021, the learned Judicial Magistrate had issued Non-Bailable Warrant against him on 27.07.2022.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

5. Taking into consideration of the facts and circumstances of this case, the petitioner is ready to appear before the Trial Court on all hearing dates, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail



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in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Avinashi, Tiruppur District**, 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioner shall appear before the concerned learned Judicial Magistrate on all working days at 10.30 a.m., until committal to the Court of Sessions;

[c] the petitioner shall not tamper with evidence or witness during trial;

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[d] the Petitioner shall not abscond either during 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 BNS.

07.11.2024

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