



Crl.O.P.No.27808 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 229-A of I.P.C in Crime No.606 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Chief Writer of the District Munsif cum Judicial Magistrate, Nannilam gave a complaint to the respondent stating that the petitioner was released on bail on 10.12.2019 in connection with case in C.C.No.388 of 2019 in Crime No.235 of 2019 under Section 394 IPC on condition that the petitioner shall appear before the trial court on hearing dates without fail. However, the petitioner did not appear before the trial court by violating the bail condition. Hence, based on the above said complaint, the respondent police registered the case in Crime No.606 of 2023 under Section 229-A. Hence the case.

3. The learned counsel for the Petitioner would submit that the



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petitioner was arrested in Crime No.235 of 2019 on the file of the respondent police and he was remanded to judicial custody. However, presuming that he was also remanded in Crime No.606 of 2023, he had filed bail petition before this Court in Crl.O.P.No.26708 of 2024 and this Court has granted an order of bail on 25.10.2024. He would further submit that the petitioner has not been remanded in Crime No.606 of 2023 and he is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was already granted bail and due to non appearance, the present case has been registered under Section 229-A of I.P.C. He would further submit that the petitioner was remanded in Crime No.235 of 2019 and he has not been remanded in Crime No.606 of 2023 and the investigation was completed, however, he opposed to grant of anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police



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and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of this case, the petitioner was already granted bail and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail 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 District Munsif cum 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 his Aadhar card or



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Bank pass Book to ensure their identity;

[b] the Petitioner shall report before the respondent police as and when required;

[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 BNS.

07.11.2024

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