



Crl.O..No. 31164 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 31164 of 2024

1.Balu @ Balasubramaniyan

2.Kannan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
DCB Police Station,
Villupuram District.
Crime.No. 01 of 2013).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of the arrest pending investigation in C.C.No. 96 of 2024 on the file of the respondent Police.

For Petitioners : Mr.Elumalai T

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

Apprehending arrest in connection with C.C.No. 96 of 2024 registered for the offences punishable under Sections 420 of IPC and Section 4 r/w Sec.76 of the Chit Fund Act, 1982 and 420 r/w 34 of IPC in Crime No. 01 of 2013, the present petition has been filed by the petitioners seeking anticipatory bail.

2. The case of the prosecution is that the petitioners had already been granted anticipatory bail and they have been appearing before the Trial Court. The petitioners have not appeared on 14.11.2024. Due to non-appearance of the petitioners, the learned Chief Judicial Magistrate, Kallakurichi has issued Non Bailable Warrant issued against the petitioners.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this Court. He further submits that the petitioners had already been granted bail and they have been appearing before the trial Court regularly. He further submits



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that on 14.11.2024, the petitioners were unable to appear before the trial Court and due to the non-appearance of them, the trial Court issued NBW.

He would further submit that he is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that that the petitioners had already been granted bail and they have been appearing before the trial Court regularly. He further submits that on 14.11.2024, the petitioners were unable to appear before the trial Court and due to the non-appearance of them, the trial Court issued NBW. He further submits that the petitioners have been appearing before the Trial Court regularly.

5. Having heard the learned counsel for the petitioners 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 petitioners with certain conditions and accordingly,



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they are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate, Kallakurichi, 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 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 petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners 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;

[c] the petitioners shall report before Judicial Magistrate concerned for a period of two weeks and thereafter, on all hearing dates of the case.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 petitioner released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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MSM
The Inspector of Police,
DCB Police Station,
Villupuram District.



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2.The Public Prosecutor, High Court Madras.

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A.D.JAGADISH CHANDIRA, J.

MSM

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