

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7378 of 2020

- 1.M. Jaffer Sathik,
S/o. Meeran Mohideen,
No. 129, Nethaji Nagar 3rd Street,
Tondiarpet, Chennai 600 081.
- 2.S. Ismail,
S/o. Syud Tamin,
No. 48/42, Nethaji Nagar Main Street,
Tondiarpet, Chennai 600 081.
- 3.A. Selvam @ Syed Abuthahir,
S/o. Abdul Rahim,
No.112/B, Nethaji Nagar 4th Street,
Tondiarpet, Chennai 600 081.
- 4.M. Jahir Hussain,
S/o. Mohammed,
No. 81/28, Nethaji Nagar 4th Street,
Tondiarpet, Chennai 600 081.
- 5.A. Kadar Mydeen,
S/o. Abdul Raguman,
No. 20-58, Patel Nagar 3rd Street,
Tondiarpet, Chennai 600 081.

6.A. Kamal @ Ottaham Kamal,
S/o. Abdul Razack,
No.26/130, Nethaji Nagar 3rd Street,
Tondiarpet, Chennai 600 081.

7.K. Mohammed Jalal,
S/o.Kadar Masthan,
No.101/32, Nethaji Nagar 3rd Street,
Tondiarpet, Chennai 600 081.

8.M. Syed Abuthagir,
S/o.Meeran Maideen,
No.25/129, Nethaji Nagar 3rd Street,
Tondiarpet, Chennai 600 081.

9.M. Mohammed Eshak,
S/o.Mohamed Nasar,
No.116/54, Nethaji Nagar 4th Street,
Tondiarpet, Chennai 600 081.

.. Petitioners/ Accused
(rank not known)

Vs.

The State rep. by Inspector of Police,
H6, R.K. Nagar Police Station,
Chennai.

[Crime No. 306 of 2020]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section
438 of Criminal Procedure Code.

For Petitioners : Mr. S. Mohamed Ansar

For Respondent : Mr. T. Shunmuga Rajeswaran
Government Advocate (Crl. side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC read with Section 3 of Epidemic Diseases Act, 1897 and Section 51(b) of Disasters Management Act, 2005 in Crime No.306 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused persons have not followed the social distance, attacked the defacto complainant in his office and prevented the Police Officials by disobeying the lock down order of the Government.

3. The learned counsel appearing for the petitioners submitted that the defacto complainant has given a false information that the petitioners and other accused persons were affected by Corona virus. Based on the said false

information, the locality of the petitioners and other accused persons were sealed by the Police Officials and they were not allowed to go outside. Due to the same, there was a wordy quarrel between the petitioners and the Police Officials. Therefore, the Police Officials have falsely implicated the petitioners and other accused persons in this case. The Police Officials did not permit any of the people who are residing in the locality of the petitioners to go outside. The petitioners have not violated the lock down order of the Government and they have not prevented the Police Officials from doing their duty and prayed for granting anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police contended that authorities have received information that the petitioners and other accused persons have gathered together and entered into the office of the defacto complainant and assaulted him. When the Police interfered, the petitioners and other accused persons have not obeyed the lock down order of the Government, prevented the Police Officials from doing their duty and hence prayed for dismissal of the anticipatory bail petition.

5. Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Considering the serious nature of offence that the petitioners have not obeyed the lock down order of the Government, prevented the Police Officials from doing their duty and alleged to have assaulted the defacto complainant, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petition stands dismissed.

30.04.2020

Index : Yes / No
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To

1. The Inspector of Police,
H6, R.K. Nagar Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

V.M.VELUMANI, J.,

kj/rgr



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