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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.NO.7561 of 2020

Devendiran

..... Petitioner/Sole Accused

Vs.

State rep.by

Inspector of Police

Koothanallur Police station,

Thiruvarur District,

Crime No.383 of 2020

..... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.383 of 2020 on the file of the Inspector of Police, Koothanallur Police Station, Thiruvarur District.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.T.Shunmuga Rajewaran,
Government Advocate.

ORDER

Apprehending arrest for the offences punishable under Sections 188, 270 & 336 IPC read with Section 3 of Epidemic diseases Act, 1897 and Section 51(b) of Disaster Management Act, 2005, on the file of the respondent police, the petitioner has come forward with the petition seeking for Anticipatory Bail.

2. Briefly stated, according to the prosecution case, in utter disobedience to the promulgation order issued by the Government under S.144 Cr.P.C. and further, when the Government has been endeavouring to create awareness and advising the public to remain indoors and maintain social distancing to avoid corona infection, according to the respondent police, the petitioner without any basis had been spreading false information that corona will not affect public health malignantly, thereby endangering human health and life and thus, had committed the offences put forth against him.

3. According to the petitioner's counsel, the case has been falsely foisted against him by the defacto complainant with vengeance and he has

not committed the offences put forth against him and he has no previous case pending against him and ready to cooperate with the investigation in all aspects and abide with any condition that may be imposed by this Court and accordingly, prayed for the relief sought for by him.

4. Per contra, according to the learned Public Prosecutor, the allegations put forth against the petitioner are serious in nature, particularly, when he had been intentionally spreading false information regarding the corona infection despite the order of promulgation issued by the Government and the steps taken by the Government to control the same, accordingly contended that if the petitioner is granted the relief prayed for, there is a likelihood of the petitioner committing the same offence and also the investigation is still pending and thereby strongly opposed the relief sought for by the petitioner.

5. Considering the nature of the accusation levelled against the petitioner, the stage of the investigation, and further, as no previous case is pending against the petitioner and as the petitioner is ready to cooperate with the investigation in all aspects, in all, I am inclined to grant the relief sought for by the petitioner on conditions.

6. For the reasons aforesated, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Judicial Magistrate No.II, Mannargudi, Thiruvarur District, on his executing a bond for Rs.10,000/- (Rupees Ten Thousand Only) with one surety for a like sum to the satisfaction of the respondent police or the police officer who arrest him or the aforesated Judicial Magistrate. Further, the petitioner is also directed to execute a bond before the respondent police that he would not commit any offence put forth against him in the abovesaid crime number in future. The petitioner is also directed to report before the respondent police daily at 10.30 a.m. for a period of two weeks from the date of receipt of a copy of this order. The petitioner is also directed to strictly adhere to the conditions set out under Section 438 Cr.P.C.

7. Accordingly, the criminal original petition is allowed.

Index : Yes/No

Internet : Yes/No

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T.RAVINDRAN,J

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To:

1. The Inspector of Police

Koothanallur Police station,
Thiruvarur District, Crime No.383 of 2020.

2. The Public Prosecutor, High Court, Madras.



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