

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7761 of 2020

1.K.Nallasamy @ Nandhakumar, (M/45 years),
S/o.A.R.Kumarasamy,
9/3A, Chettithottam,
Kasthuripalayam Post,
Uthukuli,
Tiruppur District – 638 751.

2.Sekar @ Chandrasekar, (M/34 years),
S/o.Duraisamy,
77A, Southsanarpalayam,
Muthuampalayam,
Tiruppur – 638 812.

.. Petitioners/A1 & A2

Vs.

The State by Inspector of Police,
Uthukuli Police Station,

Tiruppur District.

.. Respondent/Complainant

(Crime No.209 of 2020)

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

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.Jothikumar

Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 270, 353, 341, 332 and 506(ii) of Indian Penal Code, 1882 in Crime No.209 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 06.04.2020, at about 16.00 hours, at Uthukuli Town bus stop, when the defacto complainant, two Police Constables and one Home Guard were checking the persons,

who are knowing fully well that corona virus will spread, if they violate the order issued under Section 144, roaming in the street without any reason, the petitioners came in the Royal Enfield bike. When the defacto complainant and other Police officials enquired about the reason for coming out, they abused the defacto complainant and other Police officials in filthy language and pushed down the defacto complainant. When the other Police Constables tried to stop them from attacking the police, they took a stone from the road and threatened to kill them with stones and ran away from the place of occurrence, leaving the motorbike. The petitioners have prevented the defacto complainant and other Police officials from discharging their official duty. On complaint, a case has been registered against the petitioners under Sections 270, 353, 341, 332 and 506(ii) of Indian Penal Code, 1882.

3. The learned counsel appearing for the petitioners submitted that no such occurrence had happened as alleged by the prosecution. The petitioners are agriculturists and they hail from respectable, affluent

family and they will not abscond. The petitioners are innocent and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that during lockdown period, when the order under Section 144 was in force, the petitioners went in a two wheeler violating the said orders, prevented the Sub-Inspector of Police from discharging his official duty, abused the Police in filthy language and threatened to kill them with stones. If the petitioners are granted anticipatory bail, they will indulge in same offence affecting the interest of general public and prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the serious nature of offence that during the order

under Section 144 is in force, without any reason, the petitioners were going out in a motorbike, when the same was questioned by the Police, the petitioners abused the Police in filthy language, assaulted and prevented them from discharging official duty and threatened to kill them, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Original Petition is dismissed.

21.05.2020

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Index : Yes / No

Internet : Yes / No

Speaking/Non-speaking order

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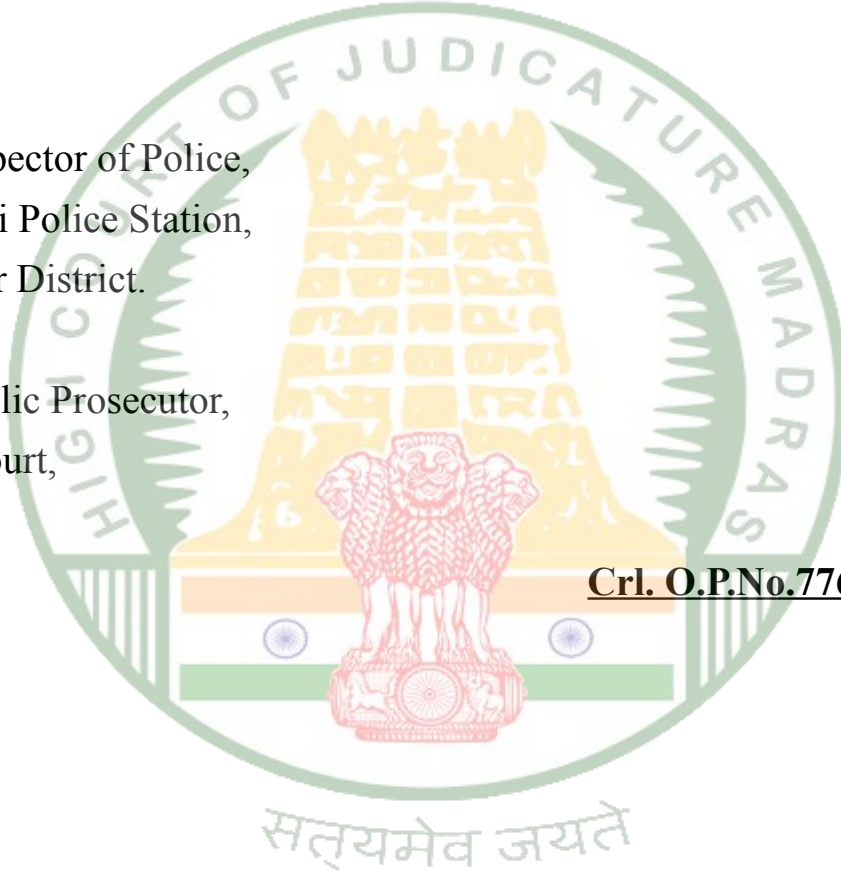
V.M.VELUMANI, J.,

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To

1.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court,
Madras.



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