

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. Nos.7904, 7921 and 7928 of 2020

Thowsif @ V.Mohammed Touseef
S/o. V. Ameen Ahmed,
No. 11/87, Kaniyambadi Abdul Wahab Street,
Neelfield, Vaniyambadi,
Tirupattur District - 635 751. ... Petitioner/1st Accused in
(Crl.O.P.No.7904 of 2020)

A.Nasir Khan
S/o.Abdul Hameed
No.1299, Kattumani Yusuf Sahib Street
Neelfield, Vaniyambadi,
Tirupattur District. ... Petitioner/2nd Accused in
(Crl.O.P.No.7921 of 2020)

Vashim @ J.Mohammed Wasim Akram
S/o.A.M.Jalal
No.18, Jeeva nagar
1st street
Newtown, Vaniyambadi,
Tirupattur District. ... Petitioner/3rd Accused in
(Crl.O.P.No.7928 of 2020)

Vs.

State rep. by
Inspector of Police,
Vaniyambadi Police Station
Vellore District.
(Crime No.1281 of 2020)

... Respondent in
all Crl.O.Ps.

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

In all Crl.O.Ps.

For Petitioners : Mr.C.Prabakaran
for Mr.W.Camyles Gandhi

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 186, 431 and 353 IPC in Crime No.1281 of 2020, seek anticipatory bail.

2. The case of the prosecution is that inspite of restrictive order under Section 144 in order to curb the outspread of Covid-19, in the present pandemic situation, the petitioners were running leather factory. When the defacto complainant along with Assistant Engineer, Village Administrative Officer and their concerned Assistants went to inspect the Tannery shop on 01.05.2020, the petitioner and other accused persons prevented the defacto complainant and others from inspecting the tannery shop and from discharging their duty. On complaint, a case has been registered for the offence under Sections 186, 431 and 353 IPC.

3. The learned counsel appearing for the petitioners submitted that the petitioner in Crl.O.P.No.7904 of 2020 is the owner of V.K.T. Tannery shop and the same was closed from the date of restrictive order. Due to business rivalry, a false information was given through the cleaning staff of Municipality. When the defacto complainant and others came for inspection, Tannery shop was not functioning. The petitioners have not committed any offence as alleged by the prosecution. The petitioners are innocent and they are ready to furnish sureties. The learned counsel further submitted that the petitioners will abide by any conditions that may be imposed by this Court and prayed for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that contrary to the restrictive order, the petitioners and other accused are running the leather factory. When the defacto complainant inspected the premises, the petitioners and others prevented the defacto complainant and other officials from doing their duty and threatened them with dire consequences. The investigation is pending and hence, he opposed for granting anticipatory bail to the petitioners.

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. Taking into consideration the nature of allegations against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of a copy of this common order before the Court of Judicial Magistrate, Vaniyambadi, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 concerned Judicial Magistrate, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioners and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(iii) the petitioners shall not abscond either during investigation or trial. The petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court, reported in 2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala) and

(v) If the petitioners thereafter abscond, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, all the Criminal Original Petitions are allowed.

-sd/-

28/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

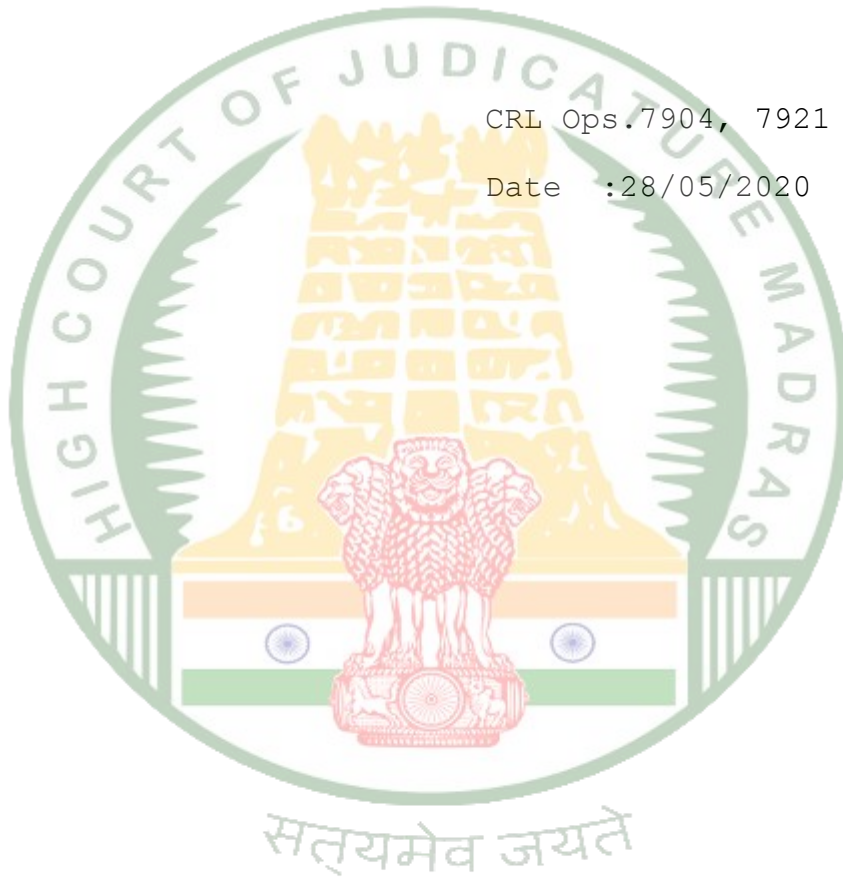
4 THE INSPECTOR OF POLICE
VANIYAMBADI POLICE STATION,
VELLORE DISTRICT.

CC to Mr.C.Prabakaran for Mr.W.Camyles Gandhi Advocate on
payment of necessary charges

CRL Ops.7904, 7921 & 7928/2020

Date :28/05/2020

cs 04/06/2020



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