

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.7917 of 2020

1.Manikandan s/o.subramanian

2.Govindan

3.Manikandan s/o.pichaipillai

4.Sellamuthu

5.Chinnasamy

6.Solaimuthu

7.Ashok

8.Arjunan

...Petitioners/Accused

Vs.

The State Rep. By

The Inspector of Police,

V.Kalathur Police Station,

Perambalur District.

Crime No.235 of 2020

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No: 235 of 2020 on file of the respondent Police.

For petitioner : Mr.T.Dharani

For respondent : Mr.Mohammed Riyaz,

Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 341, 353, 269, 270, 271, 506(i) IPC in Crime No.235 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons prevented the revenue officials from proceeding further with their arranging a place for quarantine of the persons affected with COVID-19. The complaint was given by the Tahsildar.

3. The learned counsel for the petitioners submitted that a false case has been foisted against the petitioners and they did not prevent the officials while performing their official duty.

4. The learned Additional Public Prosecutor for the respondent police submitted that the Government is taking various steps to provide for proper quarantine facilities for those who are affiliated with COVID-19 and the same cannot be prevented by anyone. The learned counsel submitted that the attitude of the petitioners goes against the public interest and therefore, they must give an undertaking that they will not indulge in such activities in future.

5. The learned counsel for the petitioners in reply submitted that the Revenue Department did not proceed with further work and if in future any work is undertaken, the petitioners will not interfere with the same.

6. Taking into consideration the facts and circumstances, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Veppanthattai Taluk, Perambalur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties and those sureties shall be a common 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioners are directed to appear before the respondent police, as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/06/2020

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, PERAMBALUR

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
VEPPANTHATTAI TALUK,
PERAMBALUR

3 THE ADDL. PUBLIC PROSECUTOR
HIGH COURT, MADRAS

4 THE INSPECTOR OF POLICE
V. KALATHUR POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S.T.DHARANI Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.7917/2020

Date :18/06/2020

rd 28/07/2020

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