

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7952 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. Mohammed Eshak,
S/o.Mohamed Nasar,
No.116/54, Nethaji Nagar 4th Street,
Tondiarpet, Chennai 600 081.

.. Petitioners/ Accused 1-8

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

[Crime No. 306 of 2020]

Vs.

.. Respondent/ Complainant

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

For Petitioners : Mr. M. Manimaran
For Respondent : Mr.M.Jothikumar
Additional Public Prosecutor

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 in Crime No.306 of 2020, 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. On complaint, a case has been registered for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC read with Section 3 of Epidemic Diseases Act, 1897.

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 petitioners have not violated the lock down order of the Government and they have not prevented the Police Officials from discharging their duty. Earlier the petitioners have filed Crl.O.P.No.7378 of 2020 seeking anticipatory bail and the same was dismissed by this Court on 30.04.2020. The investigation is completed, the petitioners will not escape or abscond and are willing to furnish sureties and abide by any condition that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor 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

discharging their duty. The investigation is pending and hence prayed for dismissal of the anticipatory bail 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 nature of offence, date of occurrence and the submissions of the learned counsel on either side, 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 order before the Court of the XV Metropolitan Magistrate, George Town, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each 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 XV Metropolitan Magistrate Court, George Town, failing which, the petition 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, this Criminal Original Petition is allowed.

28.05.2020

Index : Yes / No
gsa/kj

To

- 1.The Inspector of Police,
H6, R.K. Nagar Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

gsa



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