

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8012 of 2020

B.Sridhar

...Petitioner/Accused

Vs.

The State Rep. By

The Inspector of Police,
Kavundapadi Police Station,
Erode District.

...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:284 of 2020 on file of the respondent Police.

For petitioner : Mr.V.S.Kesavan

For respondent : Mr.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 271, 291 of IPC, 51(b) of Disaster Management Act 2005 and 294(b), 353, 506(i) of IPC in Crime No.284 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused person opened his shop in violation of the banned order and when the same was questioned by the Sub-Inspector of Police, he was abused.

3. The learned counsel for the petitioner submitted that A2 is the owner of the shop and the petitioner had only questioned the police as to why all the shops have not been closed when there is a banned order. The learned counsel further submitted that A2 was granted station bail.

4. The learned Additional Public Prosecutor, on instruction, submitted that the petitioner had abused the Sub-Inspector of Police and violated the banned order.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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 Judicial Magistrate Court No.II, Gobichettypalayam, Erode District, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner is directed to appear before the respondent police on every Monday at 10.30 a.m for a period of four weeks and thereafter, as and when required.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[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, ERODE

2 THE JUDICIAL MAGISTRATE,
NO.II, GOBICHEETYPALAYAM

3 THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT, MADRAS

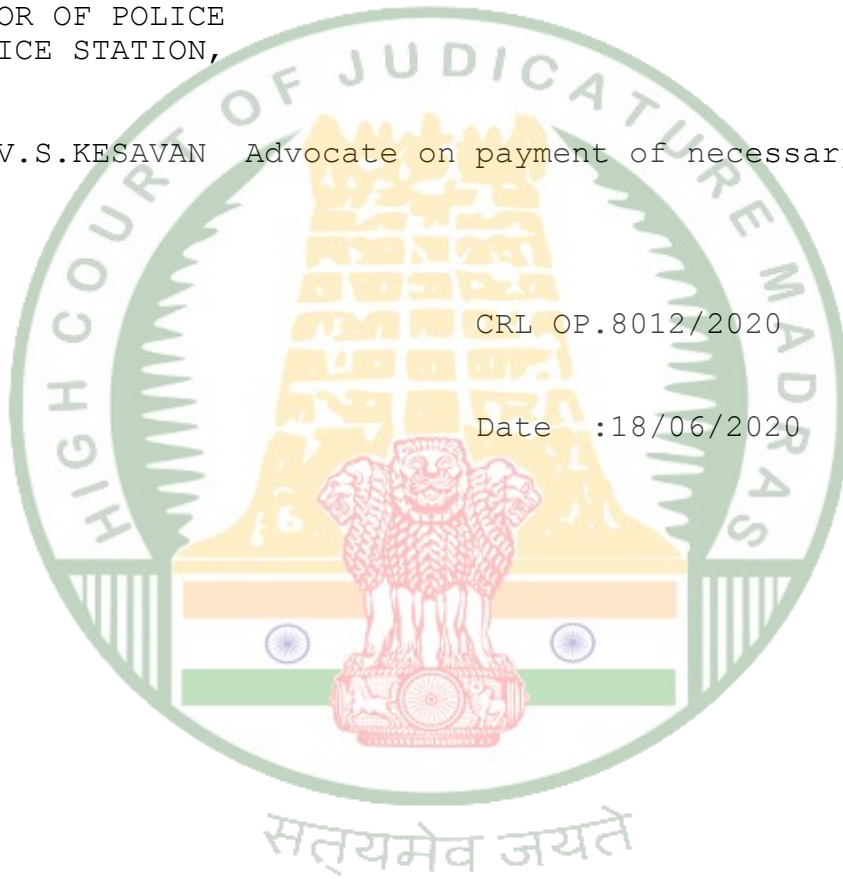
5 THE INSPECTOR OF POLICE
KAVUNDAPADI POLICE STATION,
ERODE DISTRICT.

CC to M/S V.S.KESAVAN Advocate on payment of necessary charges

rd 28/07/2020
RD 12/08/2020

CRL OP.8012/2020

Date :18/06/2020



WEB COPY