

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9217 of 2020

R.S.Madhan

S/o.Rajamohan,

Door No.2/157 Sadaiyappagounder Thottam

M.D.S.Nagar Back side,

Hasthampatti

Salem 636 007.

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

Shevapet Police Station,

Salem District,

Salem.

Cr. No.541 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.541 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

## ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 269 IPC & 3(1), 4(1), 5(1) (d), 7(1)(a) ITP Act in Crime No.541 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is running a Sri Swathi Ayurvedic SPA without license during this pandemic situation. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is running a SPA without license during this pandemic situation. Hence he opposed for grant of anticipatory bail to the petitioner.

5. This Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the Chief Minister Public Relief Fund, Tamil Nadu, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of Chief Minister Public Relief Fund, Tamil Nadu within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Additional Mahila Court (Judicial Magistrate Level) Salem on condition that the petitioner 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 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 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of the Chief Minister Public Relief Fund, Tamil Nadu, and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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**G.K.ILANTHIRAIYAN, J**

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To

1. The I Additional Principal Sessions Court,  
Salem.

2. The Additional Mahila Court,  
Judicial Magistrate level  
Salem.

3. The Inspector of Police,  
Shevapet Police Station,  
Salem District,  
Salem.

4. The Public Prosecutor,  
Madras High Court,  
Chennai.



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