

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.9937 of 2020

Backiyarasu

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Voimedu Police Station,
Voimedu,
Nagapattinam District

... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No.681 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Muruga Bharathi

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The Petitioner who is apprehending to arrest by the respondent police for the offences punishable under Sections 294(b), 505(i) (b) & 506(i) of IPC, in Crime No.681 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has abused the defacto complainant namely Sathyakala, Panchayat President of Panchanathikulam Village in Vedaranyam Taluk, alleging that no proper care was shown towards the Covid-19 patient by the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner abused the defacto complainant by circulating the whatsapp message. Hence, he opposed to grant anticipatory bail to the petitioner.

5. 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.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the **Chief Minister Public Relief Fund, Tamilnadu** 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 learned **District Munsif cum Judicial Magistrate, Vedaranyam**, 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.10,000/- (Rupees ten thousand only) to the credit of the **Chief Minister Public Relief Fund, Tamilnadu** and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter 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.

6. Accordingly, this Criminal Original Petition is ordered.

-sd/-
02/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VOIMEDU POLICE STATION, VELMEDU,
NAGAPATTINAM DISTRICT.

5 THE CHIEF MINISTER PUBLIC
RELIEF FUND, TAMIL NADU.

CC to M/S R. MURUGA BHARATHI Advocate on payment of
necessary charges

CRL OP.9937/2020

Date : 02/07/2020

GKS (MK) : 06/08/2020

WEB COPY