

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10633 of 2020

1.Rajesh
2.Jayaraman
3.Naresh
4.Lakshmipathi
5.Vajiravelu @ Jayavelu

... Petitioners

Vs.

State Rep. by
The Inspector of Police
Thakkolam Police Station
Vellore District
(Cr.No.166 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.166 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.M.Manivelan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(These cases have been heard through video conference)

The petitioners, who apprehends arrest on the hands of the respondent police for the offence punishable under Sections 143, 188, 294(b), 353 and 506(i) of IPC, in Crime No.166 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the accused found in a unlawful assembly loitering and defying the lock down restrictions and when it was questioned by the respondent Police, they have abused the police and threatened them and prevented them from discharging their official duties.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, since, they have defied the lockdown restrictions.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners had defied the lock down restrictions and they formed unlawful assembly and when it was questioned by the respondent Police they have threatened and abused them and prevented them from discharging their official duty. He would further submit that there are no previous case pending against the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Arakkonam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety, 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 shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, every Monday at 10.30 a.m., until further orders.

[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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

16/07/2020

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 JUDICIAL MAGISTRATE,
ARAKKONAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THAKKOLAM POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.10633/2020

Date :16/07/2020

RVR 04/09/2020

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