

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11274 of 2020

K.Nithyanantham

... Petitioner

Vs.

State Represented by :-

The Inspector of Police,

F-1,Gummudipoondi Police Station,

Thiruvallur District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1441 of 2020, pending investigation on the file of the Respondent police.

For Petitioner : Mr.D.Kumaralingam

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 188, 271, 143, 341, 294 (b), 353, 506 (i) of IPC and r/w Section 51 of DM Act and 65 (B) of IE Act in Crime No.1441 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant, based on the information given by one M/s.Kalaiarasi, the respondent police found that nearly 20 persons were gathered at Erikarai and involved in playing cards and drinking alochol. On seeing the Police, they ran away from the place leaving the two-wheeler, thereafter the respondent-police seized the two-wheeler and registered the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that when the accused persons ran away from the spot, the respondent Police damaged the vehicles of the farmers, who had parked their vehicle near the petitioner's house. He further submitted that the petitioner is working as a Deputy Tashildar. Since the

highhandedness the petitioner's name has been included in this case. He would further submit that the highhanded acts committed by the police is recorded in the CCTV footage and it has also been uploaded in the social media. Hence he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that as per the defacto complainant, based on the information given by one M/s.Kalaiarasi, the respondent police conducted a raid and found that nearly 20 persons were gathered at Erikarai and involved in playing cards and drinking alcohol without maintaining social distancing during lockdown period. On seeing the Police, they ran away from the place leaving the two-wheeler, thereafter the respondent-police seized the two-wheeler and registered the case. He further submitted that there is no previous case pending against the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and there are no previous cases pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest 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 District Munsif Cum Judicial Magistrate, Gummudipoondi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two 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 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 report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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 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/-
05/08/2020

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,
GUMMUDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-1, GUMMUDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to D.KUMARALINGAM Advocate on payment of necessary charges SR NO. 5877

CRL OP.11274/2020

Date :05/08/2020

GKS:27/08/2020