

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12244 of 2020

Shanmugam @ Jambu @ Sambu
S/o Sellappa Gounder

... Petitioner

Vs.

The State represented by
The Inspector of police,
Edapadi police station,
Edapadi, Salem District.
Crime No.643 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.643 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Srinivasa Narayanan

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 294 (b), 353 and 506 (ii) IPC, in Crime No.643 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, the Head Master of the Panchayat Union Elementary School, Thadhapuram village is that when the village panchayat President arranged a meeting in the area and they were about to distribute the dry food articles to the needy pupil of the said school who are suffering due to the Covid-19 pandemic situation, the petitioner caused hindrance to the program and abused the defacto complainant and abused the President with filthy language and attempted to attack them with bricks. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and due to political enmity a false complaint has been given. Hence, he prays for grant of

anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that when a welfare programme was arranged in a Government school to distribute Dry food products at the Covid-19 period to the school children, the petitioner caused hindrance by abusing in filthy language and threatened with dire consequences and attempted to attack with bricks. He also submitted that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that 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 his 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, Edapadi, Salem on condition that the petitioner shall execute a separate 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. until further orders.

[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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
21/08/2020

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,
EDAPADI, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
EDAPADI POLICE STATION,
EDAPADI, SALEM DISTRICT.

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

CRL OP.12244/2020

Date :21/08/2020

RD 07/09/2020