

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

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

Cr1.O.P.No.12288 of 2020

Krishnamoorthi

... Petitioner

Vs.

State rep. by
Inspector of Police,
Ranipet Police Station,
Vellore
(Crime No.1138 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.1138 of 2020 on the file of respondent herein.

For Petitioner : Mr.R.Ragavendran

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence punishable under **Sections 143, 294(b), 353, 188, 269 & 270 of IPC, in Crime. No.1138 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Kathigayan, Village Administrative Officer, is that the petitioner along with other accused prevented the Government Officials from decently burrying the body of the deceased who died of Covid and they have also abused the Officials of Health Department. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to political enmity. On instruction, he would further submit that taking into consideration the present Covid pandemic situation the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that petitioner along with other accused caused hindrance and prevented the Government Officials from decently burying the body of the deceased died of Covid and they have also abused the Officials of Health Department. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to donate/pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to '**Seva Chakkara Samajam Orphanage, Canara Bank, Veppery Branch, SB.A/c. No.0943101024681, IFSC Code. No.CNRB0000943** without prejudice to his rights and contentions before the trial Court.

6. 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.

7. Taking into consideration the facts and circumstances and the submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) either through RTGS/NEFT or in cash in favour of '**Seva Chakkara Samajam Orphanage, 89/41, Sami Poillai Street, choolai, Chennai-112, Canara Bank, Veppery Branch, SB.A/c. No. 0943101024681, IFSC Code. No.CNRB0000943** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of payment of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[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 police daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

9. For reporting compliance, post on **04.09.2020**.

-sd/-

14/08/2020

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 JUDICIAL MAGISTRATE,
RANIPET, VELLORE DISTRICT सत्यमेव जयते

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION, VELLORE

4 SEVA CHAKKARA SAMAJAM ORPHANAGE,
89/41, SAMI POILLAI STREET, CHOOLAI,
CHENNAI-112, CANARA BANK, VEPPERY BRANCH,
SB.A/C.NO.0943101024681, IFSC CODE.NO.CNRB0000943

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

CRL OP.12288/2020

Date :14/08/2020