

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.12968 of 2020

1.Prabakaran @ Kirubakaran
2.Sathiyamoorthy

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Kurisilapet Police Station,
Vellore District.
Crime No.247 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.247 of 2020 on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 294 (b), 353, 506(i) of I.P.C. in Crime No.247 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to pandemic situation of Covid-19, the defacto complainant was on the rounds during 144 announcement with his patrol, at that time the petitioners and others were playing Volley Ball. The defacto complainant warned them to go to their respective houses, without obeying his words, the petitioners abused him with filthy languages. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in this case. Hence, they pray for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that during complete lockdown the petitioners and others were playing volley ball and the defacto complainant while performing his duty, directed them to go to their respective house. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

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

6. Accordingly, the petitioners are 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 **Judicial Magistrate No.II, Tirupattur**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 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 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 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/-
26/08/2020

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 NO.II,
TIRUPATTUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KURISILAPET POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.12968/2020

Date :26/08/2020

MK:10/09/2020

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