

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.14472 of 2020

D.Ezhilarasi @ Meera

... Petitioner

Vs.

State Rep. By

The Sub-Inspector of Police,
Neravy Police Station,
Karaikal.

(Crime.No.83 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of her arrest in Connection with the Crime No.83 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.John Sathiyar
for Mr.M.Govindaraju

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Puducherry)

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 188, 269, 270 of IPC and Section 3 of Epidemic Disease Act 1897 and 51(b) of Disaster Management Act 2005, in Crime No.83 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mangalraj is that, the petitioner has violated the lockdown rules and without obtaining permission distributed rice, sarees and other things to the widows in a manner detrimental to the health of the public. Hence, the complainant.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case due to political animosity. He would further submit that the petitioner has followed the social distancing rules and other safeguard measures and distributed rice, sarees and other things to the widows. He would further submit that the petitioner was earlier falsely implicated in a case in Crime No.244 of 2020 by the Karaikal Town Police Station. The petitioner was already granted anticipatory bail in Crl.O.P.No.10524 of 2020 by an order dated 21.07.2020, on

condition that the petitioner shall stay at Pondicherry and report before the D.Nagar Police Station, Pondicherry, daily at 10.30 a.m., and 5.30 p.m., until further orders. In order to prevent the petitioner from complying with the condition the present case has been filed. He would further submit that the petitioner is a lady aged about 39 years and she is hounded by the police based on this false and frivolous case. He would submit that the petitioner has been either granted bail/anticipatory bail in all the other cases and that the petitioner is prepared to abide by any stringent condition.

4. The learned Additional Public Prosecutor Puducherry would submit that the petitioner was earlier detained under the Puducherry Prevention of Anti-Social Activities Act 2008 during the year 2017 and 2020, and that there are several cases pending against her before various stations in Puducherry. He would further submit that already the petitioner was granted anticipatory bail in Crl.O.P.No.10524 of 2020, dated 21.07.2020 with a direction to stay at Pondicherry and report before the D.Nagar Police Station, Pondicherry, daily at 10.30 a.m., and 5.30 p.m., until further orders. Further, in violation of the conditions, the petitioner had distributed rice, sarees and other things to the widows and thereby, she violated the rules of pandemic and indulged in activities prejudicial to the safety of the public. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate No.II cum Additional District Munsif Court, Karaikal on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 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 stay at Pondicherry and report before the D.Nagar Police Station, Pondicherry daily at 10.30 a.m., and 5.30 p.m., until further orders. The petitioner for the other cases shall appear before the Court concerned on all hearing dates and shall return back to pondicherry.

[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.

-sd/-

29/10/2020

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, CUM ADDITIONAL DISTRICT MUNSIF COURT,
KARAIKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 SUB-INSPECTOR OF POLICE,
NERAVY POLICE STATION, KARAIKAL.

5 THE OFFICER INCHARGE,
D.NAGAR POLICE STATION,
PONDICHERRY

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

CRL OP.14472/2020

Date :29/10/2020

RVR 20/11/2020