

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14889 of 2020

1.Sathish

2.Natarajan

3.Mahendran

... Petitioners/Accused 1 to 3

Vs.

The State represented by,
The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District.
(Crime No. 778 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No. 778 of 2020, on the file of the respondent police.

For Petitioners : Mr.J.Jawahar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353 & 506(i) of IPC, in Crime No. 778 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that a person related to the petitioners was admitted in the hospital and that the petitioners have quarrelled with the hospital authorities and have also abused the doctors and other officers in filthy language, kicked the chairs and tables in the hospital and have also threatened them with dire consequences. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the relative of the petitioners was admitted in the hospital and that since the hospital authorities did not give proper treatment, the same was questioned by the petitioners and thereby, a false case has been foisted against the petitioners that they have abused and intimidated them and prevented them from discharging their duties.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners' relative was admitted in the hospital and that the petitioners have quarrelled with the hospital authorities and have abused and intimidated them and they have also prevented them from discharging their official duties. He would submit that as far as the first petitioner is concerned, there are three previous cases pending against him, out of which one is hurt case and other two cases related to sand. As far as the other petitioners are concerned, there are no previous cases pending against them. However, he opposed to grant anticipatory bail to the petitioners.

5 At this juncture, the learned counsel appearing for the petitioners would submit that the case against the first petitioner related to the year 2019 and other two cases are for having found in possession of sand. Hence, he prays to grant anticipatory bail to the petitioners.

6 Taking into consideration the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7 Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Nagapattinam, on condition that each petitioner shall execute a separate 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 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 police every day 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.

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

-sd/-
23/09/2020

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,
NAGAPATTINAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THITTACHERRY POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.14889/2020

Date :23/09/2020