

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15096 of 2020

Anandh @ Anandh Kmar Harikrishnan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai.
(Crime No.766/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioners in connection with Crime No.766 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.K. Ganesh

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

O R D E R

(The 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 147, 148, and 269 of IPC and Section 3 of the Epidemic Diseases Act in Cr. No.766 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Ragu who is a president of Saraswathipuram residents welfare Association is that on 14.07.2020 the petitioner along with other accused persons in defiance of the lockdown rules unlawfully assembled and celebrated the birthday of one of their friend and had cut the birthday cake with machete. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent person and without knowing the consequences they have arranged to celebrate the birthday in a public place. He would also submit that A10, A11 to A14 were granted bail by this Court vide common order in CrI.O.P.Nos.12206 and 12462 of 2020 dated 24.08.2020. He would further submit that the petitioner is a graduate and searching for a job and he is ready to abide with any stringent conditions to be imposed by this Court and assure that they will not indulge in any such activities in future. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner in defiance of the lockdown rules unlawfully assembled and celebrated the birthday of one of their friend by cutting a cake with a sword and thereby caused terror and disturbances to the residents of that area. However, there is no previous case pending against 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 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, Tambaram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties out of which one surety should be either of the parent, 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 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 is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate 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.

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

-sd/-

25/09/2020

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, TAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

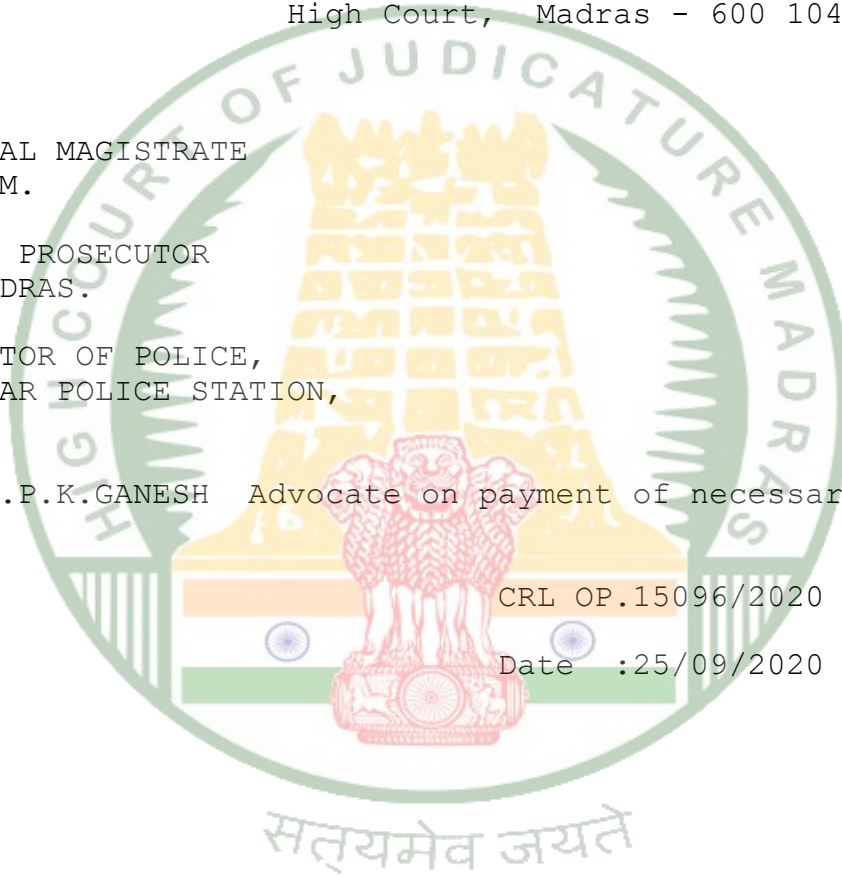
3 THE INSPECTOR OF POLICE,
S-6 SANKAR NAGAR POLICE STATION,
CHENNAI.

CC to M/S.P.K.GANESH Advocate on payment of necessary charges

CRL OP.15096/2020

Date :25/09/2020

RVR 07/10/2020



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