

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17110 of 2020

1.Younus ... Petitioners/Accused
2.R.Z.Mohammed Rafeeqe
3.R.Z.Mohammed Shafeeqe

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Vellore North Police Station,
Vellore District.
[Crime No. 1458 of 2020]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No. 1458 of 2020, on the file of the respondent police.

For Petitioners : Mr.M.Sathish Kumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 294 (b), 353, 270, 511 of IPC, in Crime No. 1458 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Siva Kumar, who is a supervisor in the Health Department in Vellore Municipality, is that on 07.07.2020 when he was on his usual rounds, the petitioners have waylaid him, abused him in filthy language and have also prevented him from discharging his official duties. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them as if they have violated the Covid-19 rules. He would submit that the petitioners have no previous case pending against them. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has waylaid the defacto complainant, who is working as a supervisor in the Health Department in Vellore Municipal Corporation, abused him in filthy language and prevented him from discharging his official duties. He would further submit that there is no previous case pending against the petitioners. However, he prays to grant anticipatory bail to the petitioners.

5 Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel, 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 from the date on which the order copy is made ready, before the learned Judicial Magistrate No.IV, Vellore, 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. सत्यमेव जयते

[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.

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

-sd/-

02/11/2020

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.17110/2020

Date :02/11/2020

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TA-18/11/2020

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