

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G. CHANDRASEKHARAN

Crl.O.P.No.21023 of 2020

Venkatachalam

... Petitioner

Versus

State represented through,
The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
(Crime No.278 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail, in the event of his arrest in connection with Crime No.278 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Aravinthan

For Respondent : Mr. M. Mohamed Muzammil,
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 332, and 506(i) of IPC, in Crime No.278 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.It is seen from the submissions made by the learned counsel on both sides that the de-facto complainant is a Health Officer. During the inspection, the petitioner, who is working at Textile shop, was not wearing mask and not using the sanitizer. When it was questioned by the de-facto complainant, the petitioner abused him and prevented him from performing his lawful duty and also kicked and pushed him down.

4.The learned counsel for the petitioner submits that the petitioner is prepared to comply with any condition that may be imposed by this Court as a condition precedent for granting anticipatory bail to him.

5.Though the de-facto complainant sustained only simple injuries, the fact remains that the petitioner prevented the de-facto complainant from discharging his duty and assaulted him with criminal force. Having regard to the submission of the counsel for the petitioner that the petitioner is prepared to pay some amount to any organization or trust, to prove his bona-fide of reporting his action, this Court is inclined to grant anticipatory bail to the petitioner.

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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Denkanikottai, 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 and on further conditions 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 pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable payment by way of demand draft drawn in favour of The Medical Officer, Thazhi Primary Health Centre, Thally, Denkanikottai, Krishnagiri - 635 118, towards the purchase of sanitizer and mask for the use of public. The deposit of amount will not be taken as the petitioner admitted his offence. Appropriate order shall be passed by the learned Trial Judge at the time of final disposal of the case with regard to disbursal of this amount.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/12/2020

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,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI.

5 THE MEDICAL OFFICER, THAZHI PRIMARY HEALTH CENTRE,
THALLY, DENKANIKOTTAI, KRISHNAGIRI - 635 118

+1CC to M/S B.ARAVINTHAN Advocate on payment of necessary charges SR NO.3

CRL OP.21023/2020

Date :30/12/2020

MK:22/01/2021