



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5440 of 2020

1. Anis @ Anis Mohamed
2. Mydeen @ Syed Mydeen
3. Asik @ Mohamed Ashik
4. Mohamed Yusuf
5. Navaskhan
6. Jalal @ Jalaudeen

... Petitioners/
Accused No.2,3,5,8,9 & 11

Vs

State Rep.by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.120 of 2020)

... Respondent/Complainant

For Petitioners: M/s.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.120 of 2020 on the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioners were arrested and remanded to Judicial Custody on 05.04.2020 for the offences punishable under sections 143, 294(b), 353, 332, 427, 506(i), 270 & 271 of I.P.C., r/w Section 51(a) of Disaster Management Act, 2005 and Section 3 of Epidemic Diseases Act 1897 in Crime No.120 of 2020 on the file of the respondent police. They seek bail.



3.The petitioners herein were arrested on 05.04.2020 for attacking the Health Department Personals, when they went in search of Corona virus infected persons and admit them in quarantine.

4.The learned counsel for the petitioners would submit that there was resistance in the locality when the Health Department Officials came in search of one Kaja Mydeen, who was affected with virus. At that time there was some wordy quarrel between the Corona workers and the public. In the said altercation, many sustained injuries. These petitioners have no overt act in the said occurrence.

5.Taking note of the submissions of the learned counsel for the petitioner and change in circumstances, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly the petitioners are ordered to be released on bail on executing bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only)each and the petitioners shall furnish with two sureties for likesum to the satisfaction of the Judicial Magistrate No.II, Kovilpatti and on further condition that,

i)the petitioners shall report before the respondent police as and when required.

ii)the petitioners shall not tamper with evidence or witness.

iii) the petitioners shall not abscond during trial.

iv)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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
PERURANI.
4. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.5440 of 2020

Date : 26/05/2020

MS/PN/SAR-2/26.05.2020/3P.6C