



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/05/2020
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5478 of 2020

Kopu

... Petitioner/Accused(Sole)

Vs

State Rep.by
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No. 563 of 2020)

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian
for Mr.B.Arun, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 563 of 2020 on the respondent police.

ORDER : The Court made the following order :-

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

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 332 and 506(ii) of I.P.C. and Section 4 of TNPHW Act, 2002, in Crime No.563 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.As per the First Information Report, the petitioner has picked quarrel with the scavenger and slapped her on her cheek, when she telling him to hand over the garbage to her directly instead of throwing them in the street. According to the petitioner, he did not throw garbage in the street, but kept near the compound of his house for the defacto complainant to collect it. He did so in order to maintain social distance.

4.The learned Additional Public Prosecutor appearing for the State submits that during the wordy quarrel between the de-facto complainant and the petitioner, the petitioner has slapped the



defacto complainant, this has led to registration of this complaint, since the petitioner has abused the sanitary worker while carrying on her duty during COVID-19 lock down period.

5.Taking note of the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly the petitioner is ordered to be released on bail on in the event of arrest by respondent police on executing a own bond for a sum of Rs.10,000/- and further the petitioners shall produce two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District, within one month and on further condition that:

(i)the petitioner and 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;

(ii)the petitioner shall report before the respondent police as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

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

sd/-

27/05/2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM, THANJAVUR DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.5478 of 2020

Date :27/05/2020