



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6339 of 2020

1. R.Joseph,
2. R.Moses,
3. R.Paul,
4. A.Karnan, ... Petitioners/A1 to A-4

Vs.

State rep by
The Inspector of Police,
Rameshwaram Town Police Station,
Rameshwaram, Ramanathapuram District
Crime No.70/2020. ... Respondent/Complainant

For Petitioners : M/s.A.Ponlingam, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER:-

For Anticipatory Bail in Crime no.70 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 506(i), 269, 153A of I.P.C., in Crime No.70 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the petitioners belong to the Christian community and without obtaining any permission from the Government Authorities, conducted prayers in the vicinity and also indulged in the act of cursing Hindu Lords and abusive words thereby creating hatred among the other religion people. When the



local residents questioned them, they along with rowdy elements threatened them with dire consequences. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence and they have been falsely implicated in this case. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice their rights, the petitioners are ready to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) each, totally Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Ramanathapuram Medical College Hospital, Ramanathapuram District', for the purpose of providing facilities to the Health workers.

5. I have heard the learned counsel appearing on either side and perused the materials on record.

6. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] The petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Rameshwaram, and on his executing 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 learned Magistrate concerned;

[b] The petitioners are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) each, totally Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Ramanathapuram Medical College Hospital, Ramanathapuram District', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

[c] Further the petitioners are directed not to conduct mass prayer sessions, till the Government lifts the order of lock down;

[d] The petitioners are directed to appear before the respondent police as and when required, for interrogation;

[e] The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously;

[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 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]***; and

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

WEB COPY

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
18/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, RAMESHWARAM.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
RAMESHWARAM TOWN POLICE STATION,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
RAMANATHAPURAM MEDICAL COLLEGE HOSPITAL,
RAMANATHAPURAM DISTRICT.

ORDER
IN
CRL OP(MD) No.6339 of 2020
Date :18/06/2020

sts
AE/PN/SAR-III (22.06.2020) 3P 6C