



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/06/2020

PRESENT

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL OP(MD) . No.6445 of 2020

1.Badri @ Badrinathan
2.Suresh

... Petitioners/Accused rank not known

Vs

State rep. by
The Inspector of Police,
Woraiyur Police Station,
Trichy District.
Crime No.240 of 2020.

... Respondent/Complainant

For Petitioners : M/s.V.Karuna
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

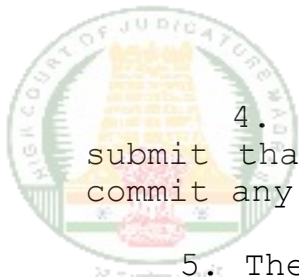
For Anticipatory Bail in Crime No. 240 of 2020 on the file of the respondent police.

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 188, 269 and 270 of I.P.C., on the file of the respondent police, in crime No.240 of 2020, seek anticipatory bail.

3.The case of the prosecution is that during the lockdown period, the first petitioner is running a massage centre. Hence, the Tahsildar sealed the said centre. Thereafter, the same was illegally opened. Hence, the complaint.



4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that in this case, FIR has been registered under Section 188, 269 and 270 of IPC in Crime No.240 of 2020 and during the lockdown period, the petitioners are running a massage centre. In spite of the Tahsildar sealed the centre, they opened the same. He would further submit that no previous case is pending against the petitioners.

6. Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.IV, Tiruchirappalli and on their 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 Judge concerned;

(ii) The petitioners shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required, for the purpose of interrogation.

(iii) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(iv) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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.

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
19/06/2020

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TIRUCHIRAPPALLI
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.6445 of 2020
Date :19/06/2020

SKN
AE/PN/SAR-III (23.06.2020) 3P 5C