



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8018 of 2020

Amalan Titus @ Amalan Titus Joseph ... Petitioner/Sole Accused
Vs

The State rep. by
The Inspector of Police,
Colachel Police Station,
Nagercoil,
Kanyakumari District.
Cr.No. 307 of 2020. ... Respondent/Complainant

For Petitioner : M/s.M.P.Senthil,
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 Cr.No.307 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is a sole accused who apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 332 & 506(ii) of I.P.C., in Crime No.307 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Health Worker who has engaged in Covid-19 testing. The Health Workers have quarantined the petitioner and his entire family members who suspected cases of Covid-19 and hence, a wordy quarrel arose between the petitioner and the defacto complainant and the petitioner said to have quarreled with the defacto complainant and abused him and criminally intimidated. Hence the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not assaulted or acted as alleged in the First Information Report. He would further submit that the petitioner has requested to the defacto complainant to await for the Covid-19 test result to be taken by the officials and in view of the same, some misunderstanding arose between the petitioner and the defacto complainant. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that since the Health workers have quarantined the petitioner and his entire family members some wordy quarrel arose between the parties.

6. Considering the facts and circumstances of the case and also considering the rival submissions and nature of offence, 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 in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition 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 report before the respondent police as on when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



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

sd/-
31/07/2020

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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,
ERANIEL.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8018 of 2020
Date :31/07/2020

KSA
SRS/ VR/ SAR-III/ 04.08.2020/ 3P/ 5C