



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8186 of 2020

1. S.Rathidevi
2. M.Arul Prakasham Sarathi ... petitioners/Accused No.1 and 2

Vs

The State through
The Sub Inspector of Police,
S S Colony Police Station,
Madurai City.

Cr.No. 1779 of 2020. ... Respondent/Complainant

For petitioners : Mr.P.Ganapathi Subramanian,
Advocate.

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

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

PRAYER :-

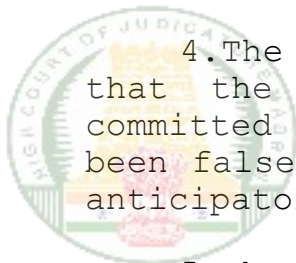
For Anticipatory Bail in Cr.No.1779 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 269, 270 and 353 of IPC and Section 3 of Epidemic Disease Act, 1897, in Crime No.1779 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Tahsildar. On the date of occurrence, the Tahsildar and other officials were doing their regular check up, at that time, it was found that the petitioners have travelled in the two wheeler without wearing face mask, when the same was questioned by the defacto complainant, the petitioners said to have abused by using filthy language. Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that on the date of occurrence, the Tahsildar and other officials were doing their regular check up, at that time, it was found that the petitioners have travelled in the two wheeler without wearing face mask, when the same was questioned by the defacto complainant, the petitioners said to have abused by using filthy language. Hence, the crime has been registered against the petitioners.

6.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the Tahsildar and other officials were doing their regular check up, it was found that the petitioners have travelled in the two wheeler without wearing face mask, when the same was questioned by the defacto complainant, the second petitioner said to have abused the Tahsildar, Considering the above circumstances and there is no other serious allegation levelled against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

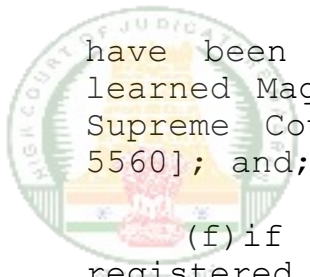
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the second petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

(d)the petitioners 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 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]; and;

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

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sd/-
05.08.2020

/ TRUE COPY /

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

vsg

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 No.V, Madurai.
2. -Do- Through The Chief Judicial Magistrate,
Madurai District.
- 3.The Sub Inspector of Police,
S S Colony Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.8186 of 2020
Date : 05/08/2020

VB (12.08.2020) 3P 5C