



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13669 of 2020

1. Ajith @ Ajithkumar
2. Nareshkumar
3. Karthick
4. Manikandan
5. Gnasekaran

... Petitioners/Accused Not Known

Vs

State Represented by
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.

Crime No. 162 of 2020.

... Respondent/Complainant

For Petitioners : M/s.P.Banuprasath,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in crime No.162 of 2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 144, 145, 294 (b), 353, 427, 506 (i), 269, 270 and 279 of IPC and r/w 134 of Tamilnadu Public Health Act and Section 3 of Epidemic Diseases Act, 1897, and Section 3 of TNPPDL Act and Section 4 of TNWHP Act, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the other accused persons were said to have unlawfully assembled and went to guru poojai at Pasumpon and abused filthy language as against the police officials and also damaged the barricade and



restrained the police officials to discharge their duties and also violated rules regarding Covid-19 and threatened with dire consequences as against the police officials. 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 been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners and the other accused persons were said to have unlawfully assembled and went to guru poojai at Pasumpon and abused filthy language as against the police officials and also damaged the barricade and restrained the police officials to discharge their duties and also violated rules regarding Covid-19 and threatened with dire consequences as against the police officials.

6. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

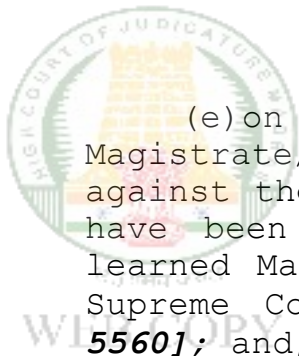
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned judicial Magistrate, kamuthi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(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.

sd/-
01/12/2020

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/ /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,
KAMUTHI, RAMANATHAPURAM DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
MANDALAMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-7836[I] dated 03/12/2020)

ORDER
IN
CRL OP(MD) No.13669 of 2020
Date : 01/12/2020

dss
AE/JC/SAR-III (04.12.2020) 3P / 6C

<https://hcservices.ecourts.gov.in/hcservices/>