



WEB COPY

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.13692 of 2020

Krishnan @ Maya Krishnan @
Mada Krishnan

... Petitioner/2nd Accused

Vs

The State rep. by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District
Crime No. 459 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Siva Rama Krishnan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.459 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 143, 144, 294 (b), 323, 353, 506 (i), 188, 269 & 270 of IPC r/w 134 of Tamilnadu Public Health Act, 1939 and Section 3 of Epidemic Diseases Act, 1897, seeks anticipatory bail.

2.The case of the prosecution is that on the eve of Thevar Jeyanthi, the petitioner and the other accused persons were said to have unlawfully assembled in the Abiramam bus stand. When the police officials instructed them to dissolve from the bus stand, the accused persons abused the police with filthy language and threw some stones as against the police officials 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 petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that on the eve of Thevar Jeyanthi, the petitioner and the other accused persons were said to have unlawfully assembled in the Abiramam bus stand. When the police officials instructed them to dissolve from the bus stand, the accused persons abused the police with filthy language and threw some stones as against the police officials 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 petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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 petitioner shall execute 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 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:

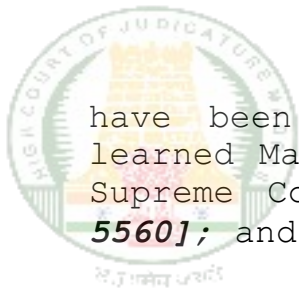
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and 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 SCW 5560]***; and;

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

sd/-

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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,
KAMUTHI, RAMANATHAPURAM DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 459 OF 2020
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7827[I] dated 02/12/2020)

ORDER

IN

CRL OP(MD) No.13692 of 2020

Date :01/12/2020

DSS

SRS/JC/SAR-III/09.12.2020/3P/6C