



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3966 of 2021

1 M.INBARAJ

[PETITIONERS/ACCUSED 1 & 3]

2 A.NAGARAJ

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.
CRIME NO. 1321 OF 2020

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.M.SATHISH KUMAR Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

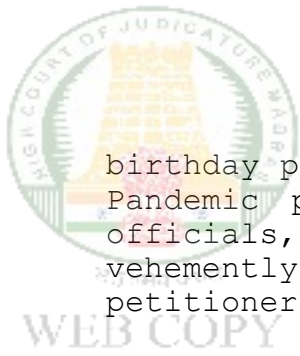
ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 269, 294(b), 353 & 506(i) of IPC r/w Section 3 of Epidemic Disease Act 1897 and Section 51 of Disaster Management Act 2005, in Crime No.1321 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Totally there are four accused in this case and the petitioners herein are ranked as A1 and A3. The allegations is that during the Corona Pandemic period all the petitioners said to have hoisted the party flag and when the same was questioned by the police, the petitioners quarreled with the police officials. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners in order to celebrate the



birthday party of their leader, hoisted the party flag during Corona Pandemic period and when the same was questioned by the police officials, they misbehaved with the police officials. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and the fact that the petitioners celebrated the birthday of their leader during Corona Pandemic, apart from that there is no serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Katpadi, Vellore District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 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 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



8. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-
01/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KATPADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.

CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.3966/2021

Date :01/03/2021

MN-10/03/2021