

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6120 of 2021

SARAVANAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.
(CR.NO.213/2021)

For Petitioner : M/S.N.PONRAJ Advocate

For Respondent : MR.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 353 of IPC in Cr.No.213 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.02.2021, when the defacto complainant was on her duty, the petitioner along with her daughter went to the defacto complainant's hospital for taking treatment without wearing mask. When the defacto complainant insisted the petitioner to wear mask, the petitioner, in inebriated condition, started to quarrel with the defacto complainant. Based on the complaint given by the defacto complainant, the respondent police has been registered a case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not been committed any offence as alleged by the prosecution. A false complaint has been lodged against the petitioner. Hence, the learned counsel prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant is a Doctor, working in a Government Hospital, Palladam. When the defacto

complainant was on duty, the petitioner, in an inebriated condition, started to quarrel with the defacto complainant and prevented her to perform duty. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a).Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five thousand only)** as non-refundable deposit either through RTGS/NEFT or in cash in favour of the Dean, Rajiv Gandhi General Hospital, Chennai;

(b) on such deposit being made and on production of the receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Palladam**, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled; (b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(f)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;

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

-sd/-
09/04/2021

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE DEAN,
RAJIV GANDHI GENERAL HOSPITAL,
CHENNAI.

+1 CC to M/S.N.PONRAJ Advocate on payment of necessary charges
SR.NO.4645

CRL OP.6120/2021

Date :09/04/2021

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TA-11/05/2021