

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7910 of 2021

1 ARAVINDH [PETITIONER / ACCUSED]
2 VIJAYARAGAVAN
3 VINOTH @ MARGONI
4 SANKAR
5 SARATH @ SARATHRAJ

Vs

THE STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
VIKRAPANDIYAM POLICE STATION,
TIRUVARUR DISTRICT.
CR.NO.98 OF 2021.

For Petitioner : M/S. D.LAKSHMIPATHY Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN,
Government Advocate (Criminal Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 448, 353, 294(b) and 506(ii) of IPC in Crime No.98 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, when the de-facto complainant/Grade I Police, attached to the respondent police went to the tiffen centre, the accused persons standing nearby the hotel abused one Siva with filthy language and the same was questioned by the de-facto complainant. Thereafter, on the same day, at about 10.45 p.m, the accused persons came to the

police station and abused the de-facto complainant with filthy language and assaulted him by hands. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of Rs.50,000/- each to the Dean, Rajiv Gandhi Government Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4.Heard the submissions made by the learned Government Advocate (CrI. Side).

5.Considering the fact that the petitioners are ready to deposit a sum of Rs.50,000/- each to the Dean, Rajiv Gandhi Government Hospital, Chennai, for the purpose of treating the COVID-19 patients, this Court is inclined to grant anticipatory bail to the petitioners subject to 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Mannargudi**, on condition that the petitioners shall execute a separate 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) the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each, through demand draft drawn in favour of the Dean, Rajiv Gandhi Government Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients, within a period of two weeks. The challan/receipt of such payment shall be produced at the time of executing the bond.

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

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

(e) the petitioners 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/-
27/04/2021

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 NO.II,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VIKRAPANDIYAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI-104.

5 THE DEAN,
RAJIV GANDHI GOVERNMENT HOSPITAL, CHENNAI.

CC to M/S. D.LAKSHMIPATHY Advocate on payment of necessary charges

CRL OP.7910/2021

Date :27/04/2021

rg.04.05.2021