

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.8704 of 2021

Lakshmanan

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
T2, Ambattur Industrial Estate
Police Station,
Chennai-600 058.
(Crime No. 116 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner/Accused on Bail in the event of
arrest by the respondent police in Crime No.116 of 2021, pending
investigation before the respondent.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest by the respondent Police
for the alleged offences punishable under Sections 294(b), 323, 353
& 506(ii) of IPC, in Crime No. 116 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
is the Zonal Health Officer. On 23.04.2021, the defacto complainant
had inspected the petitioner's shop and since the petitioner did not
follow the Covid guidelines issued by the Government, the defacto
complainant imposed fine and directed the petitioner to strictly
abide by the said guidelines. It is the further case of the defacto
complainant that the petitioner abused the defacto complainant with
filthy language.

3. However, it is the case of the petitioner that he is an innocent person and no such abusive or filthy language was used by him against the defacto complainant.

4. The defacto complainant is a Front line Warrior in operation for the strict compliance of the Covid guidelines. This Court has given due consideration to all the aforesaid mentioned factors. Though, this Court is inclined to grant anticipatory bail to the petitioner, some amount of cost will have to be paid by the petitioner for using abusive and filthy language against the defacto complainant who was the authorised officer entrusted with the task of enforcing the Covid guidelines.

5. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following conditions.

6. 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 lifting of lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Ambattur, Chennai, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Chief Medical Officer, District Head Quarters Hospital (GH), Chennai, towards Covid-19 relief. The said amount shall be paid by way of Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the Court below is directed to entertain the bail bond only on production of proof for payment of the said sum;

[b] 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[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].

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

-sd/-

10/06/2021

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,
AMBATTUR, CHENNAI-600 058.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-2, AMBATTUR INDUSTRIAL
ESTATE POLICE STATION,
CHENNAI-600 058.

5 THE CHIEF MEDICAL OFFICER,
DISTRICT HEAD QUARTERS HOSPITAL (GH),
CHENNAI, TOWARDS COVID-19 RELIEF.

CC to M/S. C.MOHANRAJ Advocate on payment of necessary charges

CRL OP.8704/2021

Date :10/06/2021

cs 09/07/2021