

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.8720 of 2021

1.K.P.Karupannan

2.P.Navaneetham

... Petitioners

-Vs-

State of Tamil Nadu represented by
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.232 of 2021)

... Respondent

Prayer: The Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in event of their arrest in respect of Crime No.232 of 2021 on the file of the Inspector of Police, Mecheri Police Station, Salem District.

For Petitioners : Mr.A.Muthumani

For Respondent : Mr.J.C.Duraiaraj,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 269, 271 and 353 of I.P.C., r/w Section 51(b) of Disaster Management Act, 2005, in Crime No.232 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioner would submit that the false complaint has been given against the petitioners and they have not connected with the crime as alleged by the prosecution. Hence, he prays to grant of anticipatory bail to the petitioners.

3. The learned Government Advocate (Crl.Side) would submit that as per the order of this Court dated 29.04.2021 made in W.P.No.10290 of 2021, the Government Officials went to the Kaavery Engineering College for visiting the College premises for the purpose of giving treatment to the patients, who are affected by Covid-19. But, the

petitioners have prevented the Officials to enter into the premises. He would further submit that no previous case is pending against the petitioners. Hence, he would oppose to grant of anticipatory bail to the petitioners.

4. This Court considered the submissions made by the learned counsel for all the parties concerned and perused the materials placed before this Court.

5. The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioners are not necessary and the fact that there is no apprehension that the petitioners may abscond, the petitioners are granted anticipatory bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Mettur, on condition that the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioners shall make themselves available for interrogation by a police officer as and when required;

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall appear before the Court below, whenever required.

[e] the petitioners shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/05/2021

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, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

CC to M/S A.MUTHUMANI Advocate on payment of necessary charges

CRL OP.8720/2021

Date :20/05/2021

cs 06/07/2021

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