

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.9981 of 2021

Jayajothi @ Jothi @ Kadal Jothi

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Guindy Police Station,
Guindy, Chennai
(Cr.No.975/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.975/2020 on the file of the respondent police pending investigation.

For Petitioner : Mr.S.Sathyaraj

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

O R D E R

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 353 & 506(1) IPC in crime No.975 of 2020 and seeks anticipatory bail.

2. The case of the prosecution is that on 21.11.2020, when the Hon'ble Defence Minister had come to chennai and the respondent police had to make some security arrangements, the petitioner obstructed the defacto complainant from discharging his public duty by removing the barricades placed by the police in the road forcibly.

3. It is the case of the petitioner that he is a coolie and is an innocent person and is no way involved in the alleged offences.

4. This Court after giving due consideration to the fact that the petitioner is a coolie and the nature of offence involved, is inclined to grant anticipatory bail subject to the fulfillment of certain conditions.

5. Accordingly, 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 commencement of Courts normal functioning whichever is earlier before the learned IX Metropolitan Magistrate, Saidapet on condition that each of 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 condition that:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) towards the Covid Relief Fund, in favour of the District Medical Officer, Chennai District;

(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.

(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.

6. With the aforesaid directions, this Criminal Original Petition stands ordered.

-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 METROPOLITAN MAGISTRATE
NO.IX, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUINDY POLICE STATION,
GUINDY, CHENNAI.

5 THE COVID RELIEF FUND,
IN FAVOUR OF THE DISTRICT MEDICAL OFFICER,
CHENNAI DISTRICT.

+1 CC to M/S.P.VENKATESAN Advocate on payment of necessary charges
SR.No.6433

WEB COPY

CRL OP.9981/2021

Date :10/06/2021

cs 28/06/2021