

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19968 of 2020

Kamala

... Petitioner

Vs.

State Rep. by The Inspector of Police,
Cheyur Police Station,
Tiruppur District.
(Crime No.185 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of her arrest in Crime No.185 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Vijaya Raghavan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 143, 188, 270, 271 and 505(1) (b) of IPC, in Crime No.185 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.04.2020, when the Village Administrative Officer, Vadugapalayam was inspecting the petitioner Village, the petitioner and others in violation of the order passed under 144 Cr.P.C, were roaming outside without wearing mask. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and she has nothing to do with the alleged offence, as a result of which false case has been foisted against the petitioner. He would further submit that co-accused has already been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are no previous cases pending against the petitioner and co-accused has already been released on bail. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case, co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Avinashi, on condition that each of the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

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

-sd/-
07/01/2021

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,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.19968/2020

Date :07/01/2021

cs 01/02/2021