

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20602 of 2020

Pushpalingam

.. petitioner

Vs.

The State rep. by  
The Inspector of Police  
Kottappatti Police Station,  
Dharmapuri District.  
Cr.No.424 of 2020.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.424 of 2020, on the file of the respondent police, pending investigation.

For petitioner : Mr.S.Rajanikanth

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

**ORDER**

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 353 of IPC, in Crime No.424 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.09.2020, the defacto complainant while inspecting the petitioner's Village, the petitioner in violation of the order passed under 144 Cr.P.C, was 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 he has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is no previous case pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 made ready, before the learned Judicial Magistrate, Harur, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 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].

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

-sd/-

11/01/2021

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,  
HARUR.

2 THE CHIEF JUDICIAL MAGISTRATE,  
DHARMAPURI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

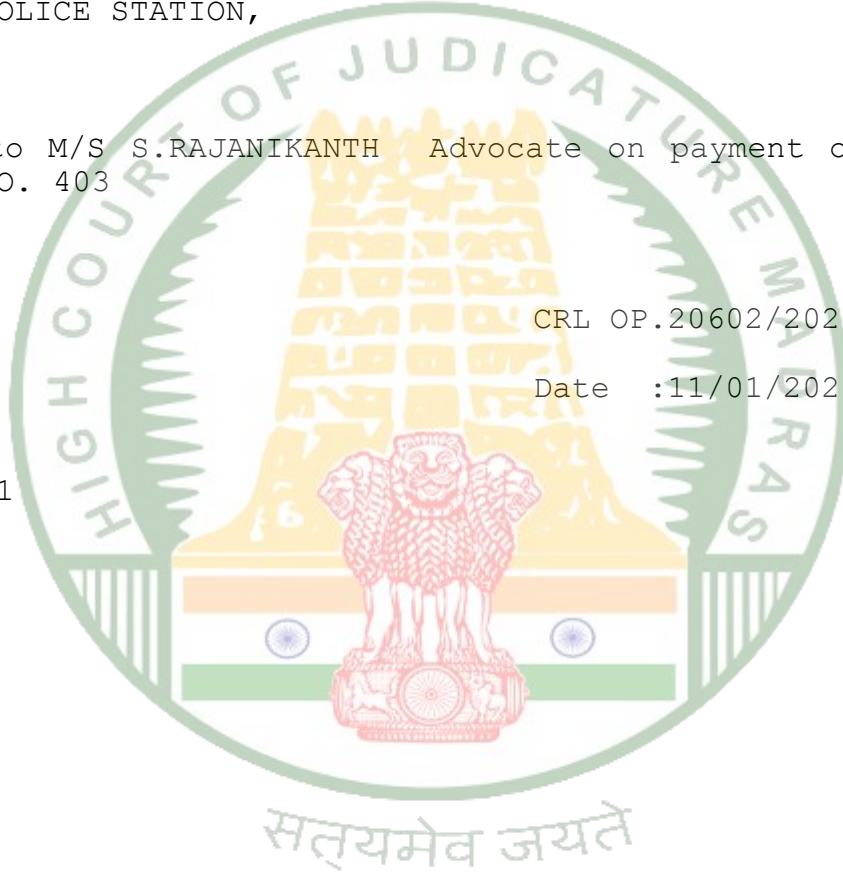
4 THE INSPECTOR OF POLICE,  
KOTTAPPATI POLICE STATION,  
DHARMAPURI.

+1 CC to M/S S.RAJANIKANTH Advocate on payment of necessary  
charges SR NO. 403

CRL OP.20602/2020

Date :11/01/2021

MN-22/01/2021



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