



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25172 of 2021

1.Senthil Kumar
2.Hemalatha

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District,
Thiruvallur - 602001
(Crime No.656 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to grant Anticipatory Bail to the petitioners in the event of their arrest by the respondent police in Crime No.656 of 2021 pending investigation on the file of the respondent police.

For petitioners: Mr.N.R.Elango
for M/s.A.S.Aswin Prasanna

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 269, 270, 294(b), 353, 506(i) of IPC, in Crime No.656 of 2021, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are running a International Maritime Academy at the above said land and without getting any prior permission from the District Municipality, Thiruvallur. The petitioners are running a women hostel in an eight floored building in one of their college blocks, where around 300



working women are staying in the said hostel. On 15.12.2021 at about 16.00 hours few women at the said hostel fell sick due to vomiting and were admitted in the hospital for treatment. Further investigation it came to be known that around 150 women were admitted for treatment. On the same day food and water samples were collected and sent for examination and above the said hostel not obey the Covid protocol. The defacto complainant went to the said hostel, but the accused persons interrupted him and abused in filthy languages and threatening. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Accordingly, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the investigation is almost completed and there are no previous cases pending against these petitioners.

5.Considering the above fact and circumstances of the case and the nature of allegations against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Poonamallee, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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]; and;

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

-sd/-

23/12/2021

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, POONAMALLEE, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT,
THIRUVALLUR 602001.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S A.S.ASWIN PRASANNA Advocate on payment of necessary charges SR.NO.15574

CRL OP.25172/2021

Date :23/12/2021

RW 04/01/2022