



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7252 of 2021

Kaja @ Kaja Hussain

... Petitioner/Accused No.4

Vs

State rep.by,
The Inspector of Police,
Fort Police Station,
Trichy District
Crime No.587/2021.

... Respondent/Complainant

For Petitioner : Mr.P.Muthamizh Selvakumar,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

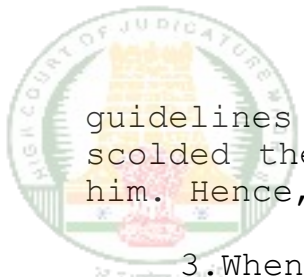
PRAYER :-

For Anticipatory Bail in Crime No.587 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 143, 294(b), 342, 353, 269, 270 and 506(ii) of IPC r/w Section 3 of Epidemic Diseases Act 1897 r/w Sections 134(1)(a) and 135 of the Tamil Nadu Public Health Act 1939 r/w Section 51(b) of the Disaster Management Act 2005 in Crime No.587 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the de-facto complainant along with the police party were entrusted to secure one accused in connection with the crime. At about 11.15 p.m. on 30.05.2021, the petitioner and other accused, namely, Keedappa @ Settu, Riyas @ Suppa, Sadhaqadulla, Kaja and Hathari @ Kathar, were found sitting and conversing without wearing mask in front of Nathersa Mosque. The de-facto complainant questioned them as to why they are sitting outside without wearing mask as a group against the



guidelines imposed during the lock down period. All the accused scolded the de-facto complainant in filthy language and threatened him. Hence, the complaint.

3. When the matter was taken up for hearing on 07.06.2021, this Court directed the petitioner to file an affidavit expressing regret for the entire incident and give an undertaking that he will not involve himself in any such activity in future. Apart from that, he was also directed to pay a sum of Rs.10,000/- to the Advocate Clerk's Welfare Association, Madurai-625 023 on or before 11.06.2021.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that the petitioner has deposited a sum of Rs.10,000/- towards Advocate Clerk's Welfare Association and filed challan and he has also filed an undertaking affidavit giving unconditional apology for the incident and undertook that he will not involve in similar offence in future. He further submitted that A1 and A2 had already been granted bail by the learned Principal District and Sessions Judge, Trichy and A-5 has been granted anticipatory bail.

5. Taking into consideration the fact that the petitioner has complied with the direction given by this Court on 07.06.2021 and reported for his action and also the fact that some of the accused has already been released on bail and one of the accused was granted anticipatory 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 before the learned District Judicial Magistrate Court No.I, Trichy District, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on his executing 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 said Magistrate 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., until further orders;

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

[d] the petitioner shall not abscond either during investigation



[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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/06/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.I,
TRICHY
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
FORT POLICE STATION, TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7252 of 2021

Date :15/06/2021

SJI

PK/PN/SAR-IV/18.06.2021 : 3P/5C