

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16484 of 2018

K.BHARATHIRAJA,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,

D1. TRIPLICANE POLICE STATION,

CHENNAI-600 005.

[*]CRIME NO.376/18

For Petitioner : M/S.R.PRABHAKARAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.376 of 2018 registered by the respondent police for the alleged offence punishable under Sections**[*] 153 and 505(1) (b)** of IPC.

2. The case of the prosecution as per the de-facto complainant one Narayanan, who is the State Organiser of Hindu Makkal Munnani, is that in respect of a crime in Coimbatore regarding a private Television channel, he gave a complaint against one Cinema Director Amir and a case has been registered against the said Amir before the Coimbatore police station. The further allegation is that the petitioner, who had met the press in favour of Amir, had spoken against the Government of India and also used abusive word that as if a situation is created to bring back terrorism in the State. The further allegation is that the petitioner had been repeatedly indulging in similar actions and the petitioner had approached the High Court seeking anticipatory bail and the High Court had directed the petitioner to approach the District Court and closed the case and that the petitioner, who is on conditional bail, has been repeatedly speaking like that and thereby, he requested the respondent to take action against him under the National Security Act.

3. The learned counsel for the petitioner would submit that due political animosity, a false complaint has been registered against him since he is agitating for the welfare of the people of Tamil Nadu and for the implementation of the Cauvery Management Tribunal.

4. The learned Additional Public Prosecutor would submit that on a complaint given by one Narayanan, the case has been registered for offences under Sections 153 and 505(1)(b) of IPC and that the allegation is that the petitioner has spoken against the State and Central Governments and was inciting violence.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am 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 of receipt of a copy of this order, before the learned XIII Metropolitan Magistrate, Egmore, Chennai, 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/07/2018

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.

[*]AMENDED AS PER THE ORDER OF THIS COURT DATED 02/07/2018 MADE IN
CRL.MP.NO.8756/2018 IN CRL.OP.NO.16484/2018.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XIII,EGMORE,CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D1. TRIPLICANE POLICE STATION,
CHENNAI-600 005.

+2 CC to M/S.R.PRABHAKARAN Advocate on payment of necessary
charges SR.NO. 12190

CRL OP.16484/2018

Date :02/07/2018

RD 18/07/2018