

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8276 of 2020

1.L.M.Mazwood ... Petitioners

2.R.Jahir Hussain

3.R.Mohammed Yasin @ Yasin

4.M.Sirajdeen

5.A.Syed Ibrahim @ Ibrahim

6.M.Thoufee Ahamed

7.D.Babu @ Kala Babu

8.A.Sahul Hameed

9.M.Sarvar Basha @ M.Sardar @ Pookadai Sardar

Vs.

State represented by ... Respondent

The Inspector of Police,
Tirupur South Police Station,
Tirupur District.

Crime No.668 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., 1973 to enlarge the petitioners on anticipatory bail in Crime No.668 of 2020 in the event of arrest on the file of the respondent Police.

For Petitioners : Mr.N.Stalin

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioners/A1 to A4 & A6 to A10, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 143, 341, 353, 188, 269 and 270 of IPC in Crime No.668 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons staged a Dharna demanding for putting up eatery shop on the ground that they want to use the same daily after Ramzan fasting. It is alleged that the Dharna was staged while the prohibition order was in force.

3.The learned counsel for the petitioners submitted that the petitioners will not involve any such Dharna in future and they will comply with the prohibition order.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that the petitioners were involved in staging a Dharna, when the prohibition order was in force. The learned counsel further submitted that the petitioners belong to a particular political party. That apart there are two previous cases pending against the 1st and 5th petitioner.

5. This Court is of the opinion that the petitioners 1 and 5 can be directed to deposit a sum of Rs.5,000 /- (Rupees Fifteen thousand only) each and other petitioners can be directed to deposit a sum of Rs.2,500/- (Rupees two thousand five hundred) each as non-refundable deposit to the credit of President Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to his rights and contentions before the trial Court.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to this petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Tirupur on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) each 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 petitioners 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 petitioners 1 and 5 shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each and the petitioners 2 to 4 and 6 to 10 shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) each directly to the to the Tamil Nadu Advocate **Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**.

[c] the petitioners 1 and 5 shall report before the respondent police every Monday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation and the other petitioners are directed to report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

-sd/-
11/06/2020

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, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECOR OF POLICE
TIRUPUR SOUTH POLICE STATION,
TIRUPPUR DISTRICT.

5 THE TAMIL NADU ADVOCATE CLERK
ASSOCIATION, MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH, A/C NO.
484026006, IFSC CODE:IDIB000M157)

CC to M/S.N.STALIN Advocate on payment of necessary charges

CRL OP.8276/2020

Date :11/06/2020