

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8328 of 2020

A.Kamal Basha

... Petitioner

Vs.

State represented by
The Inspector of Police,
Tirupattur Town Police Station,
Vellore District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest concerned in Crime No.95 of 2020 on the file of the respondent Police.

For Petitioner : Mr.J.Prakasam

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 153(A) & 506(i)(a) of IPC in Crime No.95 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant belong to the same community. But however, they belong to two different political parties. The further case of the prosecution is that the petitioner is said to have circulated a message through whatsapp by making allegations against the defacto complainant as if he has caused disgrace to a religion.

3.The learned counsel for the petitioner submitted that the complaint is as a result of political rivalry. The learned counsel further submitted that the message was exchanged between the petitioner and the son of the defacto complainant. The learned counsel submitted that there is no question of making allegations against any religion, since both the petitioner and the defacto complainant belong to Muslim community.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that the message that was circulated by the petitioner had the effect of projecting a political party to be against a particular religion. The learned counsel further submitted that if such messages are circulated, it will cause disharmony among the persons belonging to different religions.

5.Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 I, Tiruppatur on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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, the petition for anticipatory bail shall stand dismissed 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, 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 petitioners 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPATTUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTORE OF POLICE
TIRUPATTUR TOWN POLICE STATION
VELLORE DISTRICT.

CC to M/S.J.PRAKASAM Advocate on payment of necessary charges

CRL OP.8328/2020

Date :09/06/2020

cs 20/07/2020