

IN THE HIGH COURT OF JUDICATURE AT MADRAS

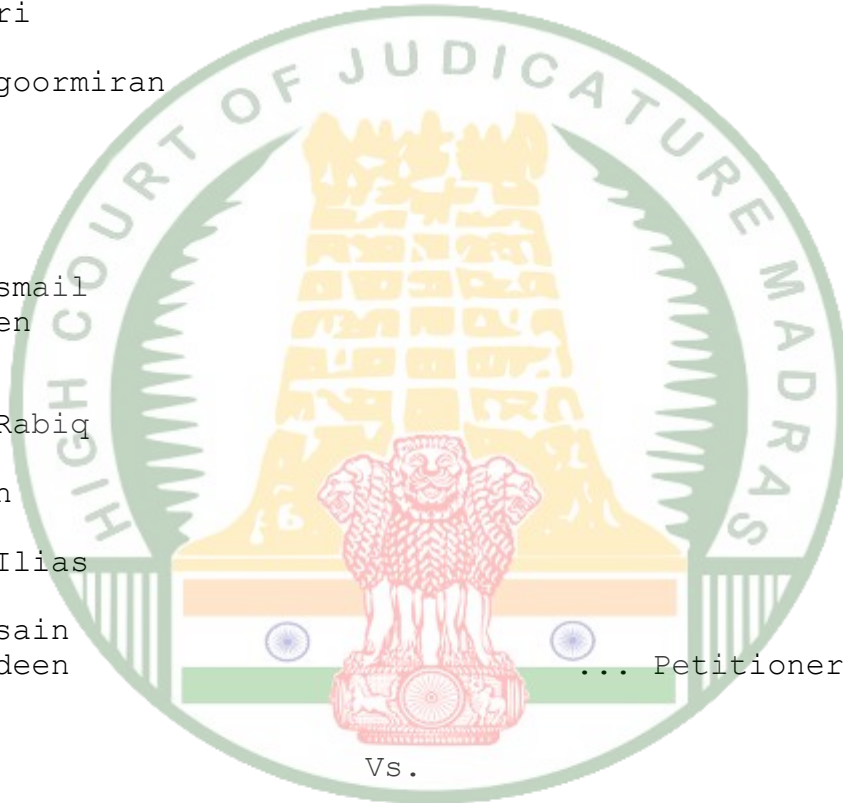
DATED : 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10681 of 2020

- 1.Thameen Ansari
- 2.S.Sharuk
- 3.A.Miran @ Nagoormiran
- 4.U.Imran
- 5.Mohammed Ali
- 6.M.Karimullah
- 7.M.Sabiyulla
- 8.K.Madhaar
- 9.K.Mohammed Ismail
- 10.M.Shiradudeen
- 11.M.Shajahan
- 12.K.S.Settu
- 13.A.Mohammed Rabiq
- 14.S.Kaseem
- 15.B.Shamsudeen
- 16.A.Nasar
- 17.M.Mohammed Ilias
- 18.J.Yakuth
- 19.F.Sadam Hussain
- 20.A.Kadar Moideen



... Petitioners/A1 to A20

Vs.

The State Represented by :- सत्यमेव जयते
The Inspector of Police,
Sunguvarchathiram Police Station,
Sunguvarchathiram,
Kanchipuram District.
Crime No.795 of 2020

... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest by the respondent police in Crime No.795 of 2020, on the file
of the respondent Police.

For Petitioners : Mr.K.G.Senthil Kumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 447, 506(ii) of I.P.C r/w Sec.3(1) of TNPPDL Act in Crime No.794 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the dispute in the management of mosque the accused joined together and abused the defacto complainant in filthy language and intimidated him. The petitioners have also assaulted the defacto complainant's son and brother with wooden log and iron rod. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to the dispute regarding the management of mosque a false complainant has been lodged against them. He would further submit that the petitioners are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainant have previous enmity with regard to management of mosque and on 08.07.2020, the petitioners formed into an unlawful assembly and abused defacto complainant in filthy language and intimidated him. The petitioners have also assaulted defacto complainant's son and brother and caused injuries. He would also submitted that the injured have been discharged from hospital. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by either side counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned District Munsif cum Judicial Magistrate, Sriperumbudur, Kanchipuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two surety 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 5.30p.m for two weeks and thereafter every Monday at 5.30p.m until further orders.

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

27/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR,
KANCHIPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
SUNGUARCHATHIRAM POLICE,
SUNGUARCHATHIRAM,
KANCHIPURAM DISTRICT.

CC to M/S. K.G.SENTHIL KUMAR Advocate on payment of necessary charges Sr.5788

CRL OP.10681/2020

Date :27/07/2020

RVR 03/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>