

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.10693 of 2020

A.Abdul Jhaleel@C.K.Chellappa
S/o Abdul Kareem

... Petitioner

Vs.

State rep by
The Inspector of Police,
D-4 Kuniyamathur Police station,
Coimbatore,
Crime No.1154 of 2020 ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.1154 of 2020 on the file of the respondent police.

For Petitioner : M/s. E.Raj Thilak
A.S.Aswin prasanna

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 153,
504, 505(1)(b), in Crime No.634 of 2020, on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant
is that the Sugunapuram Crematorium is been in use for past 70 years
and the public have been requesting the Government to renovate the
Sugunapuram Crematorium for a long time. It is further alleged that
after continuous representation by the villagers from 4 villages to
the Government, the Minister for Municipal Administration renovated
it so as it is used for all religious people. The further allegation
is that the petitioner who is a trade union leader of a particular
political party had been spreading news that the Minister had
renovated the Sugunapuram Crematorium and has purposely not renovated
the other Crematorium. By spreading false news, the accused had

created hatred among the public with an intent to create alarm among public to affect public tranquillity and against the Government and the Hon'ble Minister to cause riot. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and due to political vendetta, a false case has been registered against him. He would further submit that the petitioner has not committed any offence and he is ready to abide any stringent conditions that is imposed by this Court and prays for grant of anticipatory bail to the petitioner.

4. The respondent has filed a counter affidavit.

5. The learned Additional Public Prosecutor submitted that the petitioner belongs to a trade union of a political party and has been spreading false propaganda and created enmity between the two groups of people with an intent to defame the Government and the Hon'ble Minister and with the intent to disturb public tranquillity and cause riot. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-VII, Coimbatore, on condition that the petitioner shall execute a separate 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:

[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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required 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 229A IPC.

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

-sd/-
30/07/2020

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 JUDICIAL MAGISTRATE,
NO.VII COURT, COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE REP. BY
THE INSPECTOR OF POLICE, D-4, KUNIAMUTHUR
POLICE STATION, COIMBATORE, CRIME NO.1154 OF
2020.

CC to M/S. E.RAJ THILAK Advocate on payment of necessary charges

WEB COPY

CRL OP.10693/2020

Date :30/07/2020