

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.13846 of 2020

C. Senthilarasan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
Crime No.93 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.93 of 2020 on the file of respondent Police.

For Petitioner : Mr.P. Muthamizhselvakumar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 153A(1)(a), 505(1)(b), 505(1)(c), 505(2) of IPC, 1882, in Crime No.93 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner who belong to one political party had posted abusive and offending post in the social media intending to promote enmity between two religious groups and thereby acted prejudicial to maintenance of harmony.

3. The learned Counsel for the petitioner would submit that earlier the petitioner has approached this Court for seeking anticipatory bail in Crl.O.P.No.7684 of 2020 and the same was granted by this Court on 19.05.2020, with a condition to surrender the petitioner before the learned Magistrate Court and to execute the sureties. However, the petitioner was unable to surrender before the concerned Court within the time stipulated by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has granted anticipatory bail in CrI.O.P.No.7684 of 2020 dated 19.05.2020. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the petitioner has been already granted anticipatory bail in CrI.O.P.No.7684 of 2020 and that the petitioner was unable to surrender before the learned Magistrate Court due to pandemic situation and non-functioning of the Courts, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of commencement of the Court's normal functioning, before the learned Judicial Magistrate, Thiruvarur, on condition that the petitioner shall surrender before the concerned Court within a period of two weeks from the date of normal functioning of the Courts and 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 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 every day 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 229A IPC.

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

-sd/-

07/09/2020

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,
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.13846/2020

सत्यमेव जयते Date : 07/09/2020

RVR 25/09/2020

WEB COPY