

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

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

CrI.O.P.No.15188 of 2020

Surendiran

... Petitioner

Vs.

State Represented by
Inspector of Police
Manalmedu Police Station
Nagapattinam District
(Crime No.607 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.607 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Shanmugam

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 147, 294(b), 352, 506(1) IPC in Crime No.607 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Paisal Rahman is that due to political enmity on 17.05.2020, A1 in this case has scolded the defacto complainant and A2 had threatened the defacto complainant saying that they have been sent by the petitioner herein /A5 and they have also pelted stones on the house of the defacto complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implication in this case. He would further submit that the petitioner is a practicing Advocate and he has been practicing at Myladuthurai Bar and his sister is a Panchayath member and the petitioner is also Director of Co-operative Society. Due to political rivalry, the respondent have implicated him in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A5 in this case. He would submit that the other accused on the instigation of the petitioner, had threatened the defacto complainant one Paisal Rehman who belongs to SDPI political party. He would further submit that the petitioner has three previous cases out of which, two cases have been registered for murder in Crime Nos.357 of 2016 and 28 of 2017. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that those cases relates to the year 2016 and 2017 and even in those cases, the petitioner was not even present at the scene of occurrence and his name was implicated only on the allegation that he instigated the other accused. He would further submit that in all the cases, the petitioner was not present in the scene of occurrence and it had been the habit of the respondent police to implicate the petitioner in various cases stating that the petitioner had instigated the other accused. Since, the petitioner was granted anticipatory bail in Crime No.357 of 2016 registered for offence 302 IPC, the respondent repeatedly filing false cases one after another and in all the cases the petitioner's role is stated to have instigated the other accused. He would further submit that the petitioner is prepared to abide by any stringent condition.

6. Heard both sides and perused the materials available on record as well as the F.I.Rs in all the cases.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-I, Mayiladuthurai, on condition that the petitioner 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:

[b] 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

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[e] the petitioner 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 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].

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

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

-sd/-
25/09/2020

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 NO.I,
MAYILADUTHURAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.15188/2020

Date :25/09/2020