

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16648 of 2020

Sambath

... Petitioner

Vs.

The State Represented by,

The Inspector of Police,

Race Course Police Station,

Coimbatore District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest in connection with Crime No.987 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Ramkumar

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 offences punishable under Sections 153 and 505(ii) of IPC in Crime No.987 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Sasikumar, District Secretary, is that the petitioner had posted the abusive materials against the son of a sitting Minister with an intent to promote enmity and breach of peace.. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him on account of political animosity. He would further submit that he had forwarded an article which was published in

Nakkeeran magazine and he had not committed any offence. He further submitted that the petitioner without prejudice to his defence, had filed an affidavit of undertaking before this Court undertaking not to download or forward anything which is defaming, inciting and promoting enmity between groups or any class or cause breach of peace. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had uploaded the abusive contents against the son of a sitting Minister thereby promoting enmity and also caused intentional insult with intent to provoke breach of peace. He opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

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 ordered to be released on bail in the event of his 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 Court-III, Coimbatore**, 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:

[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., for a period of two weeks and thereafter 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 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]**.

[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/-

11/12/2020

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.

[*] Ammended and two weeks time is extended from the date on which the order copy is made ready, to comply with the conditions, as per the order of this court dated 08/02/2021 in Cr1 Mp.964/2021 in Cr1 Op.16648/2020

TO

[*]1 THE JUDICIAL MAGISTRATE COURT-III, COIMBATORE

2 THE JUDICIAL MAGISTRATE COURT-III, THIRUPPUR

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUPPUR [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
RACE COURSE POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
SR.NO.1295

CRL OP.16648/2020

Date :11/12/2020

GKS:29/12/2020

GKS:16/02/2021