

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18591 of 2020

1.Shiek Dawood

2.A.Kaja Mohideen @ Asif

.. Petitioners

Vs.

The State Represented by
The Sub-Inspector of Police,
B1 Ooty Central Police Station,
Nilgiris District.
(Crime No.719 of 2019)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.719 of 2019 pending on the file of respondent.

For Petitioners: Mr.A.M.Amutha Ganesh

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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 353 & 506 (i) of IPC, in Crime No.719 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 22.12.2019, the petitioner along with other accused without getting permission from the concerned authorities was doing stage work for a political meeting and also threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to political dispute a false case has been filed by the respondent police. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the accused had without getting permission erected a stage for conducting a political meeting and when the respondent had asked them to stop, they have intimidated him and prevented him for performing his duties. He would further submit that the first petitioner has three previous cases which are similar in nature and also submitted that the second petitioner has got four previous cases of similar nature. However, he opposed for grant of bail to the petitioners.

5. In reply the learned counsel for the petitioners would submit that all the cases are registered due to political reasons only and that the petitioners have been acquitted in two cases.

6. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the copy of this order is made ready, the petitioners shall execute a separate 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 Judicial Magistrate, Udagamandalam**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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 every day at 10.30 a.m for a period of two weeks and thereafter every Monday at 10.30 a.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.

[g] 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]**.

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

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

-sd/-
10/12/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
UDAGAMANDALAM

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
B1 OOTY CENTRAL POLICE STATION,
NILGIRIS DISTRICT.

+1 CC to M/S.A.M.AMUTHA GANEH Advocate on payment of necessary charges SR.NO.8120

CRL OP.18591/2020

Date :10/12/2020

GKS:08/01/2020

WEB COPY