



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/02/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1544 of 2020

1. Mohamed Sathik
2. Sathick Ali
3. Pakir Mydeen
4. Udhumaan Ali
5. Ajmal Khan
6. Mohamed Ibrahim
7. Mohamd Shakin
8. Yasar Arabath
9. Ahamed Azarudeen
10. Abusalih Moulana ... Petitioners/Accused No.A1 to A10

Vs

State represented by
The Inspector of Police,
South Police Station, Cumbam,
Theni District. (Crime No.26/2020). ... Respondent/Complainant

For Petitioner : M/s. S.A. Alaudeen,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 26/2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 143,
147, 341, 189, 353 of I.P.C., in Crime No. 26 of 2020 on the file of
the respondent police, seek anticipatory bail.



3. The case of the prosecution is that the petitioners conducted themselves aggressively while protesting against the local Member of Parliament who had supported the recently enacted Citizenship Amendment Act.

4. The learned Government Advocate pointed out that the petitioners conducted themselves in a highly provocative manner and but for the restraint shown by the members of the party to the Local Member of Parliament belongs the situation could have turned fairly serious.

5. In fact the whatsapp video was played before me and I am able to note the element of aggression on the part of the petitioners herein. The petitioners are entitled to protest but only in a legitimate and peaceful manner; otherwise they must invite a response.

6. The learned Government Advocate also pointed out that some of the petitioners are having previous cases.

7. I carefully considered the entire materials on record. I am of the view that arresting the petitioners is not going to serve any purpose.

8. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Uthamapalayam, Theni District, and on their executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judicial Magistrate,
Uthamapalayam, Theni District

2. The Chief Judicial Magistrate,
Theni District

3. THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
CUMBAM, THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1544 of 2020

Date :03/02/2020

MK/SKN/SAR 2 (10.02.2020) 3P 5C