



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7840 of 2020

Kalantar Aasik alias Kalantar Aasik Ahamadu,
... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Thondi Police Station, Thondi,
Ramanathapuram District.
Crime No.6 of 2020
... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offence punishable under sections 143, 279 of IPC and Section 75, 83(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.6 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that On 29.12.2019 the petitioner herein and others protested against the amendment of the Citizenship Amendment Act in Paavadi Ground, Thondi. At that time, the agitators rode the two wheelers in rash and negligent manner. Moreover, the children were misled by the agitators and the children were compelled to show the banners. Hence, the complaint.



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

4. The learned counsel appearing for the petitioner submitted that the agitation was organized by the 'Ikkiya Muslim Jamath', Thondi. The Block Development Officer, Thiruvadanai granted the permission in Na.Ka.A2/2990/2019, dated 25.12.2019 to the 'Ikkiya Muslim Jamath' to conduct the agitation. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and all the children came to the agitation with their parents. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioner and others insisted the juvenile to participate in the protest. Hence, he objected to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that except the petitioner has participated with the juvenile in the protest, no other allegation of inciting them in violence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 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 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/07/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

ORDER
IN
CRL OP(MD) No.7840 of 2020
Date : 28/07/2020

MS/PN/SAR-2/31.07.2020/3P.5C