

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.41 of 2021

A.Abdul Nasar

... petitioner/Accused

Vs.

State Represented by
The Inspector of Police,
T4, Madhuravoyal Police Station,
Chennai.
(Crime No.1217 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.1217 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sections 153 A (1)(a), 153 A (1)(b), 295 A, 505(1) (b), 505 (1)(c), 505 (2) of IPC, in Crime No.1217 of 2020, seeks anticipatory bail.

2.The petitioner is the sole accused. The prosecution case is that the the petitioner is Ex MLA and he was the author of the Book by name "Kovai Kalavarathil Enathu Satchiyum" written based on the Coimbatore bomb blast took place in 1998. In the said book, there are certain statements which are detrimental to the communal harmony and creating rifts between two religious groups, hence the crime was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner never indulged in any such offence as alleged by the prosecution. The book authored by him does not contain any such statement which disturbs the communal harmony.

Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that this matter has been transferred to CCB, Chennai and a summon was also issued to the petitioner for enquiry. Now, the investigation is pending with CCB, Chennai.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and peruse the materials available on record.

6.Taking note of the facts and circumstances and also the submission that the book only narrates the details of the occurrence, which took place in 1998, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate-II, Poonamallee, 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 Book to ensure their identity.

[c] the petitioner shall report before the CCB, Chennai as and when CCB directed.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
20/01/2021

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-II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T4, MADHURAVOYAL POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
CCB, CHENNAI.

+1 CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges SR NO. 623

CRL OP.41/2021

Date :20/01/2021

WEB COPY

MN-04/02/2021