

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.128 of 2021

1.M.S.Mani
2.Sudhakar
3.Thangamani
4.B.N.Rajendran
5.Rangasamy
6.Venugopal
7.Arunkumar
8.S.M.S.Iqbal
9.Mohammed Sherif
10.M.Abdul Hakkeem
11.Jaffer Sathik
12.Ramesh @ Thol Kudi Mainthan
13.Sabbabathy
14.Kuppuraj
15.Mahabunisha
16.Masthan
17.Ramachandran
18.Mani

...Petitioners

Vs.

The State rep. by
The Inspector of Police
Mettupalayam Police Station,
Coimbatore District
Crime No.1340 of 2020

... 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 pending investigation in Crime No.1340 of 2020, on the file of the Respondent police.

For petitioners : Mr.C.Ramkumar

For Respondent : Mr.S.Karthikeyan
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 143, 153(A), 353 and 511 of IPC r/w Section 7(1)(a) of Criminal Law Amendment Act, 2005 in Crime No.1340 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The complainant is the Village Administrative Officer of Sikkathasampalayam Village, Mettupalayam. The petitioners are residents of Mettupalayam Town. The allegation is that on 26.12.2020, all the petitioners have planned to conduct a meeting against proposed water supply scheme by the Government to supply water to Tiruppur Town, from Bhavani river from Mettupalayam. Hence, the complaint has been given and based on that complaint, a case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners were planning to conduct a protest against the Water Supply Scheme on the ground that the Mettupalayam Town people seeking water, but the Government had taken steps to provide water to Tiruppur Town people without considering the basic water needs of the Mettupalayam Town people and they did not even conduct any agitation as per the FIR. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor strongly opposed this anticipatory bail application by stating that the petitioners are the residents of Mettupalayam Village and they were planning to protest against the Government Policy of drinking water supply to the Tiruppur Town people and also tried to create an enmity between two districts and that the petitioners are having three previous cases which are in similar nature.

5. Heard both sides.

6. On a perusal of records, it is seen that the petitioners had conducted a meeting and planning for an agitation against the supply of drinking water to Tiruppur Town from Mettupalayam as they are having some grievance regarding supply of water from Mettupalayam and they did not even conduct an agitation and only prepared for an agitation.

7. Considering the facts and circumstances of the case and also of the fact that the petitioners had only conducted a meeting for preparation of agitation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 order copy made ready, before the learned Judicial Magistrate, Mettupalayam, Coimbatore District, on condition that 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 Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

11/01/2021

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,
METTUPALAYAM, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE, METTUPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.128/2021

Date :11/01/2021

RVR 02/02/2021

<https://hcservices.ecourts.gov.in/hcservices/>