

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2800 of 2021

D.Satheesh Kumar,
S/o. Dhamodharan,
No.1/17, Ramasamy Pillai Street,
Mahadevapuram,
Mettupalayam Tk.,
Coimbatore.

... Petitioner

Vs.

State by
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore.
(Crime No.109 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.109 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are 10 accused and the petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 01.02.2021 for the offence punishable under Sections 147, 148, 149, 504, 505(2), 153(A), 153(b), 269 of I.P.C. and thereafter altered into 147, 148, 149, 504, 505(ii), 153(A), 153(B), 269, 324, 353, 506(ii), 307 and 109 of I.P.C. in Crime No.109 of 2021 on the file of respondent, seeks bail.

2. The case of the prosecution is that the petitioner belongs to a political party and he has organised a public meeting on 31.01.2021 at Mettupalayam, in which, A1 in this case is a main speaker. A1 said to have made some derogatory allegation against a particular religion. So far as this petitioner is concerned, the allegation is that he had organised the said meeting and the main allegation is against A1. Hence, the criminal case was registered against the petitioner and he was arrested and remanded to judicial custody on 01.02.2021. Now, he has filed this petition seeking for bail.

3. The learned counsel appearing for the petitioner submitted that even as per the F.I.R., the allegation is only against A1 and he was arrested and detained under Act, 14 of 1982. He would submit that the petitioner has only organised the meeting, he has been falsley implicated in this case and absolutely, there is no allegation against the petitioner. He would submit that he was in judicial custody from 01.02.2021. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the petitioner is the main organiser of the public meeting, in which, A1 is the main accused and he was arrested and detained under Act 14 of 1982. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the entire allegation is only against A1, the petitioner has only organised the meeting, there is serious allegation against the petitioner and also considering the period of incarceration suffered by the petitioner from 01.02.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned **Judicial Magistrate, Mettupalayam** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m. for the period of two weeks;**

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(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.

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To

1. Judicial Magistrate,
Mettupalayam.
2. The Inspector of Police,
Mettupalayam Police Station,
Coimbatore.
3. The Superintendent,
Sub-Jail, Gobichettipalayam.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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V.BHARATHIDASAN , J.

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Crl.O.P.No.2800 of 2021

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