

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No. 3552 of 2021

1.M.E.Abdul Hakkim
2.Kader Batsha
3.Kaja Maideen
4.Kaja Maidhin
5.A.Nagoor Meeran

... Petitioners

-Vs-

The State
Represented by its,
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
(Crime No.114 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure to enlarge the petitioners in the event of their arrest or on their appearance before learned Judicial Magistrate of Mettupalayam in connection with the case in Cr.No. 114 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Nowfal

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who have been arrayed as A1 to A3, A5 and A8, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147,148,294(b), 153(A), 505(i)(c) and 506(ii) IPC on the file of the respondent police and seek anticipatory bail.

2. There are totally eight accused in this case. The allegation is that some of the petitioners belonging to a political party conducted an agitation and insulted the Hon'ble Prime Minister. While another political party conducted a meeting, the petitioners herein have interfered and abused the defacto complainant in a filthy language and also criminally intimidated him, hence the complaint.

3. Learned counsel appearing for the petitioners would submit that earlier there are some serious agitations and counter agitations taking place in the Mettupalayam area. A Member of the particular political party made abusive comments against a religion for which the petitioners have conducted the agitation and the criminal case has been foisted against him. Now, the criminal case has been foisted against the petitioners as if they have indulged in violence. It is also submitted by the learned counsel for the petitioners that some of the accused were released on bail and prays for anticipatory bail to the petitioners.

4. Learned Additional Public Prosecutor submits that all the petitioners and the defacto complainant belong to different political parties and they have created ruckus in another political party meeting and abused them. He would further submit that there is no previous case pending against the petitioners and hence vehemently opposed to grant anticipatory bail for the petitioners.

5. Considering the rival submissions and taking note of the facts and circumstances that the co-accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioners.

[a] 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Mettupalayam, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties 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;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

22/03/2021

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.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

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

+1 CC to M/S.A.NOWFAL Advocate on payment of necessary charges
SR.No.3940

CRL OP.3552/2021

Date :22/03/2021

cs 30/03/2021