

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3550 of 2021

1 M.E.ABDUL HAKKIM [ PETITIONERS / ACCUSED ]  
2 KADER BATSHA  
3 R.MOORTHY

Vs

STATE BY [ RESPONDENT / COMPLAINANT ]  
INSPECTOR OF POLICE,  
METTUPALAYAM POLICE STATION,  
COIMBATORE DISTRICT.  
CR.NO.90/2021.

For Petitioner : MR.S.XAVIER FELIX Advocate for  
M/S.A.NOWFAL Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 143,341,269,271,505(1)(c) of I.P.C in Crime No.90 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 6 accused in this case and the petitioners herein are A1, A3 and A6. It is alleged that the petitioners herein conducted rally to support the farmers without obtaining proper permission from the concerned authorities and raised some slogans insulting the Hon'ble Prime Minister of India. Hence, the case was registered.

3.The learned counsel for the petitioner would submit that the petitioners only conducted a peaceful procession in support of the farmers and they have not insulted the Hon'ble Prime Minister of India. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that huge number of persons gathered without obtaining proper permission from the concerned authorities and conducted a procession and also raised slogans against the Hon'ble Prime Minister of India. He would further submit that A4 and A5 were arrested and released on bail. However, he opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also the fact that the petitioners only conducted a procession in support of the farmers and also the fact that the co-accused/A4 and A5 were arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed 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 made ready, before the learned Judicial Magistrate, Mettupalayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioner 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 petitioner shall report before the respondent Police daily at 10:30 a.m for a period of two weeks and thereafter 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

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.

With the above directions, this Criminal Original petition is ordered.

-sd/-  
08/03/2021

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 CHIEF JUDICIAL MAGISTRATE,  
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

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. 3115

CRL OP.3550/2021

Date :08/03/2021

MN-19/03/2021