

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4320 of 2021

Abupakkarchithik

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Muthupettai Police Station,
Thiruvavur Dt.
(Crime No.168 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.168 of 2021 on the file of respondent police.

For Petitioner : Mr.A.Raja Mohamed

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 A1. The petitioner, who was arrested and remanded to judicial custody on 15.02.2021 for the offence punishable under Sections 143, 341, 269, 353, 153A, 505(1)(b) and 506(1) of I.P.C., in Crime No.168 of 2021, seeks bail.

2. The case of the prosecution is that the crime has been registered based on the complaint given by Village Administrative Officer alleging that on 01.02.2021, more than 300 persons belong to a particular religion have conducted a protest and also abused the person, who has defamed their religion. Hence, when the police restricted them, they prevented them from discharging their duties. In the said circumstances, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 15.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that they have only conducted a protest against a person, who has made derogatory statement against a particular religion. Hence, a crime has been registered and he is in jail from 15.02.2021. He would submit that he is an innocent person and he is no way connected with the

offence. He would also submit that the investigation is almost completed. Hence, he prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that more than 300 persons have conducted a protest without getting permission, and following the same, they have abused the political party. Hence, the complaint has been registered and he was arrested on 15.02.2021. She would submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that, the petitioner has conducted a protest without getting permission, and they have also abused a person, who has defamed a particular religion, and now the investigation is almost completed, there is no previous antecedents against the petitioner and also considering the fact that the period of incarceration suffered by the petitioner from 15.02.2021, 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, Thiruthuraipoondi, 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, after his release from prison, report before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter, as and when required for interrogation ;

(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.

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

-sd/-
04/03/2021

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,
THIRUTHURAIPOONDI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM.

+2 CC to M/S.A.RAJAMOHAMED Advocate on payment of necessary charges SR NO. 2730

WEB COPY

CRL OP.4320/2021

Date :04/03/2021

MN-04/03/2021