

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5240 of 2021

1. Balan
2. Srinivasan
3. Selvaraj
4. Sidhanantham

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Deevattipatti Police Station,
Salem Dt.
(Crime No.14 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Cr.No.14 of 2020 on the file of the respondent Police.

For Petitioners : Mr.R.Sankarasubbu

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

O R D E R

(The case has been heard through video conference)

Totally, there are fifteen accused and the petitioners are arrayed as A13, A14, A15 and A9. The petitioners 1, 2 and 3, who were arrested and remanded to judicial custody on 07.02.2021 and the 4th petitioner, who was arrested and remanded to judicial custody on 15.02.2021 for the offence punishable under Sections 10, 13, 15, 18 of the Unlawful Activities (Prevention) Act, 1967, in Crime No.14 of 2020, seek bail.

2. The case of the prosecution is that all the petitioners are supporters of a banned moist organisation. While the husband of A1 in this case by name Manivasagam, said to have died in the police encounter, in support of the deceased, all the petitioners have raised slogan praising the deceased and also abused Hon'ble Prime Minister and police personnel. Hence, a criminal case has been registered against all the accused and the petitioners 1 to 3 were arrested on 07.02.2021 and the 4th petitioner was arrested

and remanded to judicial custody on 15.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that the occurrence said to have taken place in the year 2019 and the only allegation is that all the petitioners have raised slogans in the praise of deceased moist leader, who is husband of A1 in this case and they said to have raised slogans against the Government and absolutely, there is no allegation of any violence. He would submit that the main accused A1 and others were already released on bail and the petitioners are in jail for nearly one month. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would strongly oppose this petition on the ground that all the accused are supporters of a banned moist organisation and on 11.02.2019 in a death of one moist leaders, the petitioners have raised slogans against the Government and abused Government officials and others. Hence, a criminal case has been registered against the petitioners. She would submit that the other arrested accused were released on bail. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that the only allegation is that he has raised only slogan praising the deceased moist leader and said to have raised slogans against the Government. Now, it is stated that other similarly placed co-accused were released on bail. On considering the fact that the occurrence taken place in the year 2019, and on considering the period of incarceration suffered by the petitioner for nearly one month, 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 Principal Sessions Judge, Salem, 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, shall report before the respondent police 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/-
24/03/2021

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 PRINCIPAL SESSIONS JUDGE,
SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.

CC to M/S. R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.5240/2021

Date :24/03/2021