



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 22.07.2021
PRONOUNCED ON : 27.08.2021

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THE HONOURABLE MR.JUSTICE G.ILANGOVAN

W.P. (MD)No.5577 of 2021

Mohammad Saleem

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
 - 2.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
 - 3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
 - 4.The Tahsildar,
Office of the Tahsildar,
Aathoor,
Dindigul District.
 - 5.The Inspector of Police,
Sempatti Police Station,
Dindigul District.
- ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 5 not to harass the petitioner by way of compelling him to execute bond without following mandatory procedure under Chapter VIII of the Criminal Procedure Code.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor



O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 3 to 5 not to harass the petitioner by way of compelling him to execute bond without following mandatory procedure under Chapter VIII of the Criminal Procedure Code.

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2. The case of the petitioner in brief is as follows:-

The petitioner is residing along with his family members in Sitthaiyankottai, Aathoor Taluk, Dindigul District and doing agriculture and also political functionary in a political party. During 2018, a false case was foisted against the petitioner by the fifth respondent and he is regularly appearing before the trial Court in the case. Thereafter, no criminal case is pending against him. He is living with his two sons and one daughter peacefully. On 01.03.2021, two police officials came to his home and asked him to appear before the respondents 3 & 4 with two sureties and Aadhar Card and compelled to execute bond worth Rs.1,00,000/- for keeping peace and good behaviour for the period of one year. Similarly, on 04.03.2021, the fifth respondent police came to his house and compelled him to execute bond. According to the petitioner, steps are being taken by the respondent police to detain the petitioner under Section 122 (1) (b) of Cr.P.C. So the petitioner made a representation dated 07.03.2021, not to take any such coercive steps on the petitioner. There is no response from the respondent. Hence, this petition.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that the fifth respondent police is continuously forcing the petitioner to execute a bond for keeping peace and good behaviour. Hence, direction may be issued to the respondent police not to harass the petitioner unnecessarily.

5. The learned Additional Public Prosecutor would submit that the petitioner is involved in a murder case and trial is under way. Because of his involvement in the murder case, on the eve of assembly elections, the petitioner was kept under watch and surveillance and except that no harassment was made upon the petitioner. He would further submit that no steps have been taken to initiate any action against this petitioner under Section 110 Cr.P.C. No effort has also been made by the respondent to detain the petitioner under Section 122 (1) (b) of Cr.P.C. According to the learned Additional Public Prosecutor, the allegations made by the petitioner is not correct on record.

6. Recording the submission made by the learned Additional Public Prosecutor that no action has been taken or going to be taken as against the petitioner and the petitioner is under surveillance due to assembly election, nothing survives for further consideration or decision in this petition. If any trouble arises in future, the



petitioner is always at liberty to work out his remedy appropriately. It is seen that as a preventive measure, this petition came to be filed on 09.03.2021 itself, which is much before the scheduled assembly election.

7. In view of the foregoing reasons, this Writ Petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Office of the District Collector,
Dindigul District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
3. The Revenue Divisional Officer,
Dindigul,
Dindigul District.
4. The Tahsildar,
Office of the Tahsildar,
Aathoor,
Dindigul District.
5. The Inspector of Police,
Sempatti Police Station,
Dindigul District.



6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

order made in
W.P. (MD) No. 5577 of 2021
27.08.2021

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GC (24.09.2021) 4P 7C