



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 19/07/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9252 of 2021

1.Ibrahim

2.Auto Kadhar@Kader Sherief

... Petitioners/Accused Nos.3&4

Vs

The State Rep. by,
The Inspector of Police,
Town South Police Station,
Dindigul District.
(Crime No.811 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

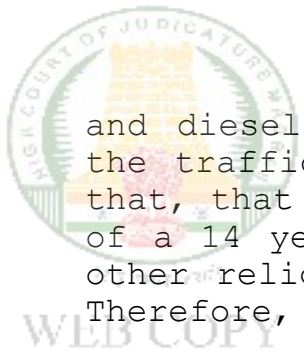
PRAYER :-

For Anticipatory Bail in Crime No. 811/2021 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 283, 341, 153A, 295A & 506(ii) of IPC r/w. Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 @ 143, 283, 341, 153A, 295A & 505(ii) of IPC r/w. Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.811 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Village Administration Officer of Pallapatti Village, Dindigul District. On 06.07.2021, at about 05.00 pm, he along with Village Assistant Joseph found the accused in this case, who belong to Manidha Neya Makkal Katchi staged a protest against the petrol



and diesel prices, against the Central Government, by obstructing the traffic and by causing inconvenience to the public. Not only that, that accused had drawn 'Namam' and the words 'BJP' on the body of a 14 year old boy. Thus disgraced the religious sentiments of other religions, caused unrest and inconvenience among the public. Therefore, this case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. However, he filed an affidavit signed by the petitioners, stating that without prejudice to the case, the petitioners would not indulge in involving a minor in such demonstration. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending.

5. Considering the nature of the case, where it is alleged that the petitioners were engaged in staging protest against the petrol and diesel prices and that they involved a 14 year old body and the fact that they have filed an affidavit expressing apology for their action, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, 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 Judicial Magistrate No.III, Dindigul on condition that the petitioners 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 and on further condition that:

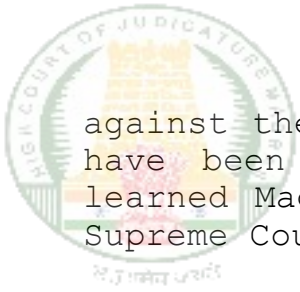
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/07/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9252 of 2021
Date :19/07/2021

mbi
USK/SRS/SAR-I : 26/07/2021 : 3P/5C