



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 05/01/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.16124 of 2020

Soukath Ali

... Petitioner/Sole Accused

Vs

State Rep.by  
The Sub Inspector of Police,  
Thuckalay Police Station,  
Kanyakumari District.  
Crime No.1018/2020

... Respondent/Complainant

For Petitioner : Mr.S.A.S.Alaudeen, Advocate.  
For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.1018 of 2020 on the file of the Respondent.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 153(A) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on 04.12.2020 at about 10.00 pm., during the festival the petitioner provoked the public by religious speech and criminal intimidation against the democracy as well as the erstwhile President of India and he provoked by his hate speech and also prepared the youth for genocide the RSS concept and BJP as well as the Hindu Munnani, as he has been instructed by his high authorities. Hence the complaint.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner is a religious preacher in his home town and due to political enmity a false case has been foisted against him.



5. The learned Government Advocate(Crl.Side) would submit that the petitioner provoked the public by religious and criminal intimidation against the democracy as well as the erstwhile President of India.

6. From the complaint it is seen that the defacto complainant in this case is none other than the Sub Inspector of Police and he had stated that the petitioner had made some offensive speech and no transcriptions were recorded to substantiate the same and after the speech there was no commotion and law and order problem in that area.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Padmanabapuram on condition that the petitioner shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks except on Friday and thereafter before the respondent police 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 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]***; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
05/01/2021

WEB COPY

/ TRUE COPY /

/ /2021

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

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 JUDICIAL MAGISTRATE NO.I, PADMANABAPURAM.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE,  
THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.16124 of 2020  
Date :05/01/2021

AAV  
MS/VR/SAR-1/07.01.2021/3P.5C