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Crl.O.P.Nos.26413 & 26982 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos.26413 & 26982 of 2022

Naseer Ahamed Abbas

... Petitioner in Both Crl.O.P.Nos.

Vs.

The State represented by,
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.

(Crime Nos.762 & 761 of 2022).

... Respondent in Both Crl.O.P.Nos.

PRAYER in Crl.O.P.No.26413 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.762 of 2022 pending investigation on the file of the respondent Police.

PRAYER in Crl.O.P.No.26982 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.761 of 2022 pending investigation on the file of the respondent Police.



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In both Crl.O.P.Nos.,

For Petitioner : Mr.D.Arun

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.09.2022, for the offences punishable under Sections 436 IPC and Section 4 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime Nos.762 & 761 of 2022 respectively, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.09.2022, the petitioner along with the other accused, protested against the arrest of the Members belonging to the Popular Front of India and had hurled bombs on the shops belonging to the de-facto complainant and caused damage to the articles inside the shops to the worth of Rs.1,50,000/- and Rs.10,000/- respectively. Hence the case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in these cases. He would also submit that the petitioner belongs to the political organization named the Social Democratic Party of India and the respondent Police suspecting that the petitioner has conducted the protest, implicated him in this case. He would further submit that the petitioner is in custody from 29.09.2022 and without prejudice to defence, the petitioner is prepared to deposit a sum of Rs.50,000/- to the credit of Crime No.762 of 2022 and to deposit a sum of 10,000/- to the credit of Crime No.761 of 2022 to show his bonafide. He would also submit that the petitioner is ready to comply with any stringent conditions that may be imposed by this Court and therefore, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit the petitioner is the Member of the Social Democratic Party of India and while protesting against the arrest of the Members belonging to the Popular Front of India, had hurled bombs on the shops belonging to the de-facto complainant and caused damage to the business establishments of the de-facto complainant. He would further



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submit that in respect of the case in Crime No. 762 of 2022, the accused had caused damages to the property to the tune of Rs.1,50,000/- and in respect of the case in Crime No.761 of 2022, they had caused damage to the tune of Rs.10,000/-. He would also submit that the investigation is at initial stage. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.762 of 2022 and a sum of Rs.10,000/- to the credit of Crime No.761 of 2022**, without prejudice to his



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rights and contentions before the Magistrate Court, on such deposit, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) in each Crime Number with two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Mettupalayam, Coimbatore District** and on further conditions that:

[a] 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 at Ramanathapuram and report before the Inspector of Police, Ramanathapuram Town Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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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 229A IPC.

04.11.2022

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To

1. The Judicial Magistrate,
Mettupalayam, Coimbatore District.
2. The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
3. The Central Prison,
Cuddalore District.
4. The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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