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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6308 of 2022

Abibullah @ Habeeb Rahuman

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
(Crime No.197 of 2017)

... Respondent/Complainant

For Petitioner : Mr.N.Adithya Vijaylayan, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.197 of 2017 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153, 153-A and 295-A IPC, in Crime No.197 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the District Secretary of MNJK Party, made incriminating speech in a demonstration meeting held on 03.06.2017 near Begumpur Mosque at Dindigul, and also against RSS and BJP. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition, in Crl.O.P.(MD)No.1065 of 2019, seeking anticipatory bail and this Court, vide order dated 25.01.2019, has granted anticipatory bail imposing certain



conditions. He would further submit that since the petitioner was not in good health, he could not furnish the sureties and that he was constrained to file the above application again for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is almost completed and they are going to file a charge sheet shortly.

5. Considering the above facts and also the facts that the petitioner was already granted anticipatory bail by this Court and that investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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.III, Dindigul, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Judicial Magistrate with necessary application. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.



[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
08/04/2022

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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.III
DINDIGUL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6308 of 2022
Date :08/04/2022

SP/PN/SAR I/18/04/2022/3P/5C