



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

PRESENT

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

CRL.O.P (MD) No.2279 of 2023

Sikkandar @ Sikkanthar

... Petitioner/Accused No.3

-vs-

State represented by
The Inspector of Police,
K.Pudur Police Station,
Madurai City.
(Cr.No.241 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.241 of 2022.

For Petitioner	: Mr.K.Navaneetharaja, Advocate
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 153A(1) (a) and 153A(1) (b) of IPC in Crime No.241 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 03.07.2022, near K.Pudur Bus stand, Madurai, the accused persons have enacted the scene of demolition of Babri Masjid and thereby, attempted to promote enmity between different groups on the ground of religion thereby, caused prejudice to the maintenance of harmony. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given against the petitioner due to political reasons. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that no previous case is pending against the petitioner. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused enacted a scene to remind the demolition of Babrid Masjid and thereby, attempted to create



enmity between two different religious groups. He would submit that the petitioner is arrayed as A3. Though he has not any previous case pending against him, A1 and A2 were arrested in some other case and they are still in custody. Hence, he would oppose for grant of anticipatory bail to the petitioner.

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5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., and the fact that the petitioner has no previous previous case, 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 on which the order copy made ready, before the learned Judicial Magistrate No.VI, Madurai District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m., until further orders.

[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]**.

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

sd/-

06/02/2023

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

cmr



To

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, K.PUDUR POLICE STATION, MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.2279 of 2023

Date :06/02/2023

RS/SSS/SAR.1 (15.02.2023) 3P-5C