



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21972 of 2021

1. Vallabai Bala @ Balakrishnan .. Petitioners
2. Suresh
3. Rajesh Kumar
4. Manikandan
5. Jothi Prakash
6. Udhayakumar
7. Duraisamy
8. Hopes Ba Laiju
9. Ganesan
10. Mohanraj
11. Manikandan
12. Anandhan

Vs.

State rep.by ..Respondent
Inspector of Police,
C-2, Race Course Police Station,
Coimbatore.
(Crime No.729 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioners in the event of their arrest by respondent police in Race Course PS in Crime No.729 of 2021 or in the event of surrender before the Honourable Court- Judicial Magistrate No.III of Coimbatore.

For Petitioners : Mr.R.Subramanian

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 143, 269, 153-A(1)(a) and 505(2) of IPC in Cr.No.729 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that during the implementation of 144 order, in order to avoid the spreading of Covid-1, the petitioners along with others are alleged to have without permission from the Government and without information to the place formed an unlawful assembly on 23.10.2021 hours at about 16.30 hours near the



South Tahsildar Office, Hosur Road and by the said time and place in the course of the said transaction is said to have assembled without following the COVID-19 restriction guidelines formed by the Government which were strictly to be adhered had raised alarm against the wrong doers against the Hindus and Hindu Temples in Bangladesh and caused public nuisance. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the during the implementation of 144 order, in order to avoid the spreading of Covid-1, the petitioners along with others are alleged to have without permission from the Government and without information to the place formed an unlawful assembly and had raised alarm against the wrong doers against the Hindus and Hindu Temples in Bangladesh and caused public nuisance. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel, 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 **learned Judicial Magistrate No.3 Coimbatore** on condition that each of the petitioners shall execute separate bonds 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(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]**; and;

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

-sd/-
22/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.3, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-2, RACE COURSE POLICE STATION,
COIMBATORE.

+1 CC to M/S.R.SUBRAMANIAN Advocate on payment of necessary charges SR.NO.13279

CRL OP.21972/2021

Date :22/11/2021

TA-26/11/2021