



Crl.O.P.No.21962 of 2022

Crl.O.P.No.21962 of 2022

A.D.JAGADISH CHANDIRA.J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 153, 296, 298, 505(2), 353 of IPC in Crime No.502 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Sirajudin, Secretary of Masjid Rahamania is that on 02.09.2022, the accused who belongs to Vishwa Hindu Parishid had conducted procession of lord Vinayaga Idol in a tractor without any permission before the mosque and they raised slogans against the defacto complaint's religion. Thereby, the above act created a panic situation and also in the manner of creating enmity between two groups. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since they belongs to BJP Party. He would further submit that the petitioners have conducted a procession on account of Vinayagar



Crl.O.P.No.21962 of 2022

Chathurthi and that they have not committed any offence as alleged by the prosecution. He would submit that however, without prejudice, the petitioners have filed an affidavit before this Court and the relevant paragraph of the affidavit is extracted here under:

“

7. I further state that, I had not have any intention to commit any offence in the past, in future also I will not commit any offence I undertake that I will not indulge any activities as alleged is the FIR and assure that I will not disturb peace and harmony as against any religions. ”

Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the petitioners, who belongs to BJP Party had in violation of the prohibitory order and had conducted procession before the mosque. He would submit that they are also attempted to create enmity between two groups. He would submit that there is no previous case as against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.



Crl.O.P.No.21962 of 2022

5. Taking note of the facts and submission made by the learned counsel and also taking note of the affidavit filed by the petitioners before this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and the affidavit filed by the petitioners shall form part of the Court records.

6. Accordingly, 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 on which the order copy made ready, before the **learned Judicial Magistrate, Court No.I, Pollachi** on condition that the petitioners shall execute a separate 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 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 petitioners 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;



WEB COPY



Crl.O.P.No.21962 of 2022

A.D.JAGADISH CHANDIRA.J.

shk

[b] the petitioners shall report before the respondent police every day at 10.30 am for a period of four weeks and thereafter every Saturday at 10.30 am until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[g] 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;

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

26.09.2022

shk

Crl.O.P.No.21962 of 2022