



Crl.O.P.Nos.23054, 23112, 23120, 23125, 23142,
23147, 23059, 23069, 23073 & 23083 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.09.2022**

CORAM

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

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23147, 23059, 23069, 23073 & 23083 of 2022**

1. Sathishkumar
2. Jaganathan
3. Rameshbabu
4. Arumugam
5. Vignesh
6. Sai anand
7. Krishnamurthy
8. Sivakumar
9. Vigneshwaran
10. Chakaravarthi
11. Gowthaman
12. Babu
13. Harikrishnan

... Petitioners in Crl.O.P.No.23054 of 2022

1. Moorthy
2. Maikannan



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3. Yuvaraj

4. Sankar

5. Devaraj

6. Dhanasekar

7. Syed Munvar

8. Srinivasalu

9. Vinothkumar

10. Mathiyazhagan

... Petitioners in Crl.O.P.No.23112 of 2022

1. Settu

2. Saravanan

3. Murugan

4. Nandakumar

5. Palani

6. Anandan

7. R.Kumaran

8. S.Sivakumar

9. Kanishkar

10. Udhayakumar

... Petitioners in Crl.O.P.No.23120 of 2022

1. Manoharan

2. Babu

3. Mageshkumar

4. Jeganathan



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5. Saravana kumar

6. Deepak

7. Abishek reddy

8. Yuvaraj

9. Sankar

10. Harikumar

... Petitioners in Crl.O.P.No.23125 of 2022

1. Mohanraj

2. Sridharan

3. Meganathan

4. Srinivasalu

5. Raja

6. Dhananchezhiyan

7. Sasikumar

8. Krishnamoorthy

9. Chinnasamy

10. Sivakumar

... Petitioners in Crl.O.P.No.23142 of 2022

1. Sentilkumar

2. Elayaraja

3. Kesavan

4. Balamurugan

5. Chakkarapani

6. Murugesan



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7. Ganeshkumar

8. Gopi

9. Srinivasan

10. Ravi

... Petitioners in Crl.O.P.No.23147 of 2022

1.Sridharan

2. Achuthan

3. Sugash

4. Ramesh

5. Raguram

6. Ragava krishna

7. Arun

8. Dhanapal

9. Magadevan

10. Shankar

... Petitioners in Crl.O.P.No.23059 of 2022

1. Murugan

2. Karthi

3. Dhasarathan

4. Surendar

5. Megavanan

6. Ramana

7. Surya

8. Karrthik



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9. Sathish

10. Vinothbabu

... Petitioners in Crl.O.P.No.23069 of 2022

1. Saravanan

2. Baskaran

3. Vijayakumar

4. Narasimman

5. Murugesan

6. Rajaselventhan

7. Gnanasammantham

8. Dhamotharan

9. Kumaresan

10. Thanjiyappan

... Petitioners in Crl.O.P.No.23073 of 2022

1. Rathinagiri

2. Shankar

3. Sivakumar

4. Vivekanandan

5. Munisamy

6. Gopikrishnan

7. Kumara Guru Bharan

8. Sureshbabu

9. Murugan

10. Annamalai

... Petitioners in Crl.O.P.No.23083 of 2022



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Vs.

The State represented by,
The Inspector of Police,
Vellore South L&O Police Station,
Vellore District.

(Crime No.186 of 2022).

... Respondent in all Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.186 of 2022 pending investigation on the file of the respondent Police.

In all Crl.O.P.Nos.,

For Petitioners : Mr.R.C.Paul Kanagaraj
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested on 13.09.2022 and remanded to judicial custody on 14.09.2022 for the offences punishable under Sections 143, 188, 341, 448, 353, 186, 427 & 506(i) IPC and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.186 of 2022 on the file of the respondent Police, seek bail.



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2. The case of the prosecution as per the de-facto complainant, who is the Assistant Commissioner, Vellore Corporation, is that the accused, who are the Members and Office bearers of BJP, totalling 150, assembled unlawfully under the leadership of the District President Manoharan (1st Petitioner in Crl.O.P.No.23125 of 2022) trespassed into the Corporation Office by causing damage to the barricade and they have also caused damage to the flower pots and threatened the de-facto complainant with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are the Members of the Opposition Party and they have conducted a protest in a democratic manner against certain corruption activities done in respect of the smart city project and thereby, in order to curtail their democratic activities, a false complaint has been foisted as against the petitioners. He would also submit that other than conducting the democratic protest, the petitioners have not done anything and the petitioners were arrested on 13.09.2022. The learned counsel would further submit that the alleged damage is stated to be rupees three thousand and without



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prejudice, the first accused/ Manoharan, District President of the Bharathiya Janatha Party, Vellore, is prepared to deposit a sum of Rs.3000/- to the credit of the crime number. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners are arrayed as accused as follows:-

<i>S.No.</i>	<i>Crl.O.P.No.</i>	<i>Petitioners Arrayed as</i>
1.	23054	A 91-103
2.	23112	A 11-20
3.	23120	A 71-80
4.	23125	A 1-10
5.	23142	A 41-50
6.	23147	A 51-60
7.	23059	A 81-90
8.	23069	A 31-40
9.	23073	A 61-70
10.	23083	A 21-30

He would further submit that though the petitioners claim to have conducted the agitation in a democratic manner, they have become violent and they have damaged the barricade and trespassed into the Corporation Office and caused damage to the articles inside the office and



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also threatened the de-facto complainant/Assistant Commissioner, Vellore Corporation, with dire consequences. He would also submit that there is no previous case as against the petitioners. However, he oppose to grant bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, the period of incarceration undergone by the petitioners and also taking note of the fact that the first accused(1st Petitioner in Crl.O.P.No.23125 of 2022), without prejudice to his defence, is ready to deposit a sum of Rs.3,000/-, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on condition that the first accused (1st Petitioner in Crl.O.P.No.23125 of 2022) makes a deposit of **Rs.3,000/- (Rupees three thousand only) to the credit of the Crime Number**, without prejudice to his rights and contentions before the Court concerned and on such deposit, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each with **one surety**,



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each for a like sum to the satisfaction of the **learned Judicial Magistrate**

No.I, Vellore, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

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

[d] the petitioners 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 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]**;



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

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To

1. The Judicial Magistrate I,
Vellore District.
2. The Inspector of Police,
Vellore South L&O Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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