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Crl.O.P.No.24687 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 7(1)(a) of Criminal Law Amendment Act, 2005 and Section 353 of IPC in Crime No.480 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners belonging to a particular political party, in retaliation to the speech made by the former Union Minister have set fire to the shops of the persons who have not closed the shop in response to the call. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to political motive, a case has been registered against them. He would further submit that a case in Crime No.482 of 2022 was registered as against the petitioners, in which this Court has granted anticipatory bail



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to them in Crl.O.P.No.23670 of 2022 vide Order dated 28.09.2022 and only since the petitioners were granted anticipatory bail, a fresh case has been registered against them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that petitioners belonging to a particular political party, in retaliation to the speech made by the former Union Minister have set fire to the shops of the persons who have not closed the shop in response to the call. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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



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days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Avinashi**, on condition that each of 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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m., until further orders.

[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.



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[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]**.

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

13.10.2022

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