



Crl.O.P.Nos.28705, 28701, 28704, 28707 & 28708 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

Crl.O.P.Nos.28705, 28701, 28704, 28707 & 28708 of 2022

1. Mohamed Rafik
2. Sadik Basha
3. Rameez Raja
4. Mohamed Raffi
5. Rahman Ali @ Abdul Rahman ... Petitioners in all Crl.O.P.Nos.

Vs.

The State represented by,
The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.

(Crime Nos.258, 256, 257, 259 & 260 of 2022).

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

PRAYER in Crl.O.P.No.28705 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.258 of 2022 pending on the file of the respondent Police.



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PRAYER in Crl.O.P.No.28701 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.256 of 2022 pending on the file of the respondent Police.

PRAYER in Crl.O.P.No.28704 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.257 of 2022 pending on the file of the respondent Police.

PRAYER in Crl.O.P.No.28707 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.259 of 2022 pending on the file of the respondent Police.

PRAYER in Crl.O.P.No.28708 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.260 of 2022 pending on the file of the respondent Police.

In all Crl.O.P.Nos.,

For Petitioners : Mr.K.Sudhakar
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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COMMON ORDER

1.1 Criminal Original Petition in **Crl.O.P.No.28705 of 2022** has been filed seeking to enlarge the petitioners on bail in connection with the **Crime No. 258 of 2022** for the offences punishable under Section 427 IPC and Section 3(1) of Tamil Nadu Public Property(Prevention of Damage & Loss) Act, 1992 @ 147, 148, 153(A), 120B of IPC read with Section 3(1) of Tamil Nadu Public Property(Prevention of Damage & Loss) Act, 1992, on the file of the respondent police.

1.2 Criminal Original Petition in **Crl.O.P.No.28701 of 2022** has been filed seeking to enlarge the petitioners on bail in connection with the **Crime No. 256 of 2022** for the offences punishable under Section 427 IPC and Section 3(1) of Tamil Nadu Public Property(Prevention of Damage & Loss) Act, 1992 @ 147, 148, 153(A), 120B of IPC read with Section 3(1) of Tamil Nadu Public Property(Prevention of Damage & Loss) Act, 1992, on the file of the respondent police.

1.3 Criminal Original petition in **Crl.O.P.No.28704 of 2022** has



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been filed seeking to enlarge the petitioners on bail in connection with the **Crime No. 257 of 2022** for the offences punishable under Sections 427, 435, 511 of IPC and Section 3(1) of TNPPDL Act, 1992, @ 147, 148, 153(3), 120B, 435, 511 of IPC read with Section 3(1) of TNPPDL Act, 1992, on the file of the respondent police.

1.4 Criminal Original petition in **Crl.O.P.No.28707 of 2022** has been filled seeking to enlarge the petitioners on bail in connection with the **Crime No. 259 of 2022** for the offences punishable under Section 427 IPC and Section 3(1) of TamilNadu Public Property(Prevention of Damage & Loss) Act, 1992 @ 147, 148, 153(A), 120B of IPC read with Section 3(1) of TamilNadu Public Property(Prevention of Damage & Loss) Act, 1992, on the file of the respondent police.

1.5 Criminal Original Petition in **Crl.O.P.No.28708 of 2022** has been filed seeking to enlarge the petitioners on bail in connection with the **Crime No. 260 of 2022** for the offences punishable under Section 435 r/w 511 of IPC @ 147, 148, 153(3), 120B of IPC and Section 435 r/w 511 of IPC on the file of the respondent police



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2.1 The case of the prosecution in **Crl.O.P.No.28701 of 2022** is that on 23.09.2022, the petitioners along with others have pelted stones on his house and the vehicle (Tata Indica car bearing Registration No. TN-41-P-2256) of the de-facto complainant K. Ponraj, who is the member of BJP and working as a District Secretary in the non organizational sector, which is parked in front of his house and caused damage to its wind shield and window panes. Hence, the case.

2.2 The case of the prosecution in **Crl.O.P.No.28704 of 2022** is that on 23.09.2022, the petitioners along with others have pelted stones on the vehicle (Swift car bearing Registration No. TN-38-AS-6900) of the de-facto complainant V. Sivakumar, who is the member of BJP party, which is parked opposite to his house and caused damage to its wind shield and window panes. Hence, the case.

2.3 The case of the prosecution in **Crl.O.P.No.28705 of 2022** is



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that on 23.09.2022, the petitioners along with the others have pelted stones on the vehicle (Passenger Ape auto bearing Registration No. TN-41-AA-6412) of the de-facto complainant K.Parameswaran, who is the member of Hindu munnani and one of the functionaries in City Indu Auto Association, which is parked in front of his house and caused damage to its wind shield. Hence, the case.

2.4 The case of the prosecution in **Crl.O.P.No.28707 of 2022** is that on 23.09.2022, the petitioners along with others have pelted stones on the vehicle (Passenger Auto bearing Registration No. TN-41-AU-6412) of the de-facto complainant Venugopal, who is one of the functionaries of Hindu Munnani, which is parked in front of his house and caused damage to its wind shield. Hence, the case.

2.5 The case of the prosecution in **Crl.O.P.No.28708 of 2022** is that on 23.09.2022, the petitioners along with the others have attempted to set fire by pouring diesel on the tyre of the vehicle (Tata ACE bearing Registration No. TN-41-AP-2352) belongs to the de-facto complainant Vellingiri, who is the District Secretary of Coimbatore South RSS, which is



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parked in front of his house. Hence, the case

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in the case, since they happen to be the Members belonging to the Popular Front of India (PFI). He further submitted that the Government of India has banned the PFI Organisation, thereby, there was some acts of vandalism in and around Coimbatore. He further stated that the respondent have arrested the petitioners only based on the suspicion, since they belong to a particular religion. He also submitted that the petitioners have no connection with the alleged offence, whereas, the petitioners 1 to 3 were arrested on 26.09.2022 and the petitioners 4 & 5 were arrested on 28.09.2022. He also submitted that the similarly placed accused has been granted bail by this Court. Hence, he seeks for grant of bail to the petitioners.

4. The Government Advocate (CrI.Side) appearing for the respondent Police submitted that the petitioners are the Members of the banned organization Popular Front of India(PFI) and since their organization



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was banned by the Government of India, in order to show their protest, they have indulged in the acts of vandalism by pelting stones on the house of the Members of Indu Munnani, BJP party and RSS and caused damage to their vehicles parked outside and also attempted to set fire to them. He further submitted that the total damage caused by them is valued about Rs.20,374/-. He further submitted that other than these cases, there is no previous as against the petitioners, however, he opposed to grant bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners are in custody for more than 50 days and also stated that no one was injured in the alleged incident. He also submitted that without prejudice to their defence, the petitioners are ready and willing to deposit Rs.20,000/- to the credit of crime numbers. Hence, he prays for grant of bail to the petitioners.

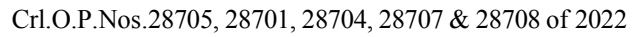
6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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Coimbatore, and on further conditions that:

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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]**;



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

23.11.2022

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To

1. The Judicial Magistrate No.II,
Coimbatore.
2. The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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