



Crl.O.P.Nos.6564, 6573 & 6603 of 2023

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A.D.JAGADISH CHANDIRA, J.

In Crl.O.P.No.6564 of 2023, the petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153A, 436 of IPC and Section 3 of the Explosive Substances Act, 1908 altered into Sections 120(B), 153A, 436 of IPC and Section 3 of the Explosive Substances Act, 1908, in Crime No.6 of 2022, seeks anticipatory bail.

2. In Crl.O.P.No.6573 of 2023, the petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153A, 435 of IPC and Section 3 of the Explosive Substances Act, 1908 altered into Sections 120(B), 153A, 435 and 511 of IPC and Section 3 of the Explosive Substances Act, 1908, in Crime No.5 of 2022, seeks anticipatory bail.

3. In Crl.O.P.No.6603 of 2023, the petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable



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under Sections 436, 511 of IPC and Section 3 of the Explosive Substances Act, 1908 altered into Sections 120(B), 153A, 436 and 511 of IPC and Section 3 of the Explosive Substances Act, 1908, in Crime No.446 of 2022, seeks anticipatory bail.

4. In Crl.O.P.No.6564 of 2023, the case of the prosecution as per the de-facto complainant K.Kamalakannan is that he is residing at D.No.3/5, Subulakshmi Nagar, 6th Street, Kuniyamuthur, Coimbatore for the past 15 years at his own house. He is running the company in the name of Bharath Water (Mineral Water Company) and he is following the ideology of Bharthiya Janatha Party. On 23.09.2022, he gone for Coimbatore Railway Station, for picking his father and mother, who were coming from Bangalore. He told to his wife namely Jayasri to close door and compound and he will take time to return to home. When his wife locking his house at about 11.10 p.m., and something fell on the white colour car bearing Registration No.TN-99-M-5335 (Ford Eco Sport) and burst and fired, she also feared due to the said accident. When she saw outside the compound, two persons left from there in a scooty type two



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wheeler. They had thrown liquor bottle as well as $\frac{1}{4}$ litter petrol through plastic cover and burst the same, due to which, his car cover right side burned and back side of right side mirror also damaged. Immediately, he informed the same to police officials through his friend and given written complaint before the Inspector of Police, D4 Kuniyamuthur Police Station. The de-facto complainant came to know that likewise similar incident had happened to one S.Thiyagu, who is the District Executive Member of Indu Munnani and same day his car also damaged. The accused had planned to create unrest among Hindu and Muslim people at Coimbatore District. The above crime were committed to show the protest against National Investigation Agency (NIA) raid conducted on Popular Front of India (PFI) organization. Later, the respondent CBCID South, Coimbatore City had received proceedings in RC.No.3284679/crime 4(2)/2022 dated 28.10.2022 of the Director General of Police/Head of Police Force, Tamil Nadu, Chennai and Memorandum in Crime No.II (3)/444/15936/2022 dated 22.11.2022 from Office of the Additional Director General of Police, Crime Branch CID, Chennai. As per the above proceedings of higher authorities as well



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as the request made by the Inspector of Police, D-4 Kuniyamuthur Police Station, Coimbatore City who had registered Crime No.447/2022 under Sections 153A, 436 of IPC and Section 3 of the Explosive Substances Act transferred to the respondent and re-registered the above crime.

5. In Crl.O.P.No.6573 of 2023, the case of the prosecution as per the de-facto complainant S.Thiyagu is that he is residing at 21/151, Muthusamy Servai Street, Kuniyamuthur, Coimbatore – 641 008. He is functioning as District Executive Member in Indu Munnai but last six months, he is not actively taking part in party activities. On 23.09.2022 forenoon, he gone to porur due to personal work and he received the call from his mother informed that his car bearing Registration No.TN-38-AE-5995 Santro Xing was burning. Immediately, he returned back to house and found the top of the car was damaged by fire. Thereafter, he enquired with her mother and she informed that when she was standing at about 1.45 p.m., one unknown person aged about 30 years with green colour cap had thrown a bottle on the car and the same burst and fired. Even before she had come out from house, car fired and immediately he



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gone with another person standing with two wheeler. The residents nearby namely one Mohan, his son Mani @ Pratap, Vivekanatar and Kritharan came and doused the fire by pouring water. Hence, he request to take appropriate action against the offender. The petitioners were included as an accused upon the confession of the arrested accused person. Later, the respondent CBCID South, Coimbatore City had received proceedings in RC.No.3284679/crime 4(2)/2022 dated 28.10.2022 of the Director General of Police/Head of Police Force, Tamil Nadu, Chennai and Memorandum in Crime No.II (3)/444/15936/2022 dated 22.11.2022 from Office of the Additional Director General of Police, Crime Branch CID, Chennai. As per the above proceedings of higher authorities as well as the request made by the Inspector of Police, D-4 Kuniyamuthur Police Station, Coimbatore City who had registered Crime No.445/2022 under Sections 153A, 435 of IPC and Section 3 of the Explosive Substances Act transferred to the respondent and re-registered the above crime.



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6. In Crl.O.P.No.6603 of 2023, the case of the prosecution is that the de-facto complainant namely one Anathakalyanakrishnan, S/o.Suburaman residing at Sri Vinayagar Nagar, Kovaiputhur given a complaint on 23.09.2022 before the respondent police. As per the complaint on 23.09.2022 at about 8.58 night hours, some suspicious persons had thrown petrol/kerosene bottle before his house and escaped in two wheeler with another person, who was waiting for him. At the time of incident, the de facto complainant was inside the house, hence he suffered no injury. Due to the above incident, he was afraid of his life and property, even though there is no harm to him in the said incident. Hence, he request to take appropriate action against the offenders. The petitioners included as an accused upon the confession of the arrested accused person.

7. The learned counsel appearing for the petitioners submitted that the petitioners are the members of the Social Democratic Party of India (SDPI) and they are innocent persons and they have not involved in any offence. However, since petitioners happened to be the important



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members of the SDPI party, the respondent has recorded the Confession Statement from the arrested accused as if they are also involved in the offences. Based on which, the petitioners have been falsely implicated in this case. He further submitted that in all the accused, except the main accused/A1, who has been arrested and detained under the NSA and A2 and A4 have been granted bail by this Court and other accused had released by the trial Court and they have been directed to comply with the condition. He also submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them and hence, he prays for grant of anticipatory bail to the petitioners.

8. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners are the members of the SDPI Party and they being antagonized with the banning of Popular Front of India (PFI) in order to wreak vengeance, hurled petrol and kerosene bomb on the houses and vehicles of members belonging to rival organization Indu Munnani and BJP and caused extensive damages.



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Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

9. Heard both sides and perused the entire materials available on record including the FIRs.

10. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Counsel on either sides that the petitioners have been implicated based only on the Confession Statement recorded from the arrested accused and that the arrested accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

11. 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 on which the order copy made ready, before **the learned Judicial Magistrate No.VII, Coimbatore** on condition that **each of the petitioner shall execute a separate bond for a sum of**



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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 petitions 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 stay at Ramanathapuram and report before the Ramanathapuram Town Police Station, Ramanathapuram every day at 10.30 a.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;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is



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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;

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