



CrI.O.P.Nos.8301, 8299, 8295 & 8294 of 2023

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A.D.JAGADISH CHANDIRA, J.

1.1 In **CrI.O.P.No.8301 of 2023**, the petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 435, 511 of IPC altered Sections under Sections 147, 148, 153A, 120(B), 435, 511 of IPC and Section 4(a) and 5 of Explosive Substances Act, 1908, in Crime No.07 of 2022 on the file of the respondent police, seeks anticipatory bail.

1.2 In **CrI.O.P.No.8299 of 2023**, the petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 427 of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of Damage and Loss) Act, 1992 altered Sections under Section 147, 148, 153A, 120(B) of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of Damage and Loss) Act, 1992, in Crime No.05 of 2022 on the file of the respondent police, seeks anticipatory bail.



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1.3 In Crl.O.P.No.8295 of 2023, the petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 427 of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of Damage and Loss) Act, 1992 altered Sections under Section 147, 148, 153A, 120(B) of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of Damage and Loss) Act, 1992, in Crime No.06 of 2022 on the file of the respondent police, seeks anticipatory bail.

1.4 In Crl.O.P.No.8294 of 2023, the petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 427, 435 and 511 of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of Damage and Loss) Act, 1992 altered Sections under Section 147, 148, 153A, 120(B) of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of Damage and Loss) Act, 1992 and Section 4(a) and 5 of Explosive Substances Act, 1908, in Crime No.04 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.1. The case of the prosecution in Crl.O.P.No.8299 of 2023 as per the de-facto complainant Saravanakumar, who is a Member and



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District Functionary of the Indu Munnani and also one of the functionaries in city Indu Auto Association, is that his Passenger APE Auto bearing registration No.TN 41 AA 6412, which was parked in front of his house, was damaged by the accused. Hence the case.

2.2. The case of the prosecution in Crl.O.P.No.8301 of 2023 as per the de-facto complainant Vellingiri, who is a Member and District Functionary of the Coimbatore South RSS, is that his vehicle TATA Ace, bearing registration No.TN 41 AP 2352, which was parked in front of his house, was damaged by the accused. Hence the case.

2.3. The case of the prosecution in Crl.O.P.No.8295 of 2023 as per the de-facto complainant Venugopal, who is a Member and District Functionary of the Hindu Munnani, is that his passenger Auto, bearing registration No.TN 41 AU 6412, which was parked in front of his house, was damaged by the accused. Hence the case.

2.4. The case of the prosecution in Crl.O.P.No.8294 of 2023 as



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per the de-facto complainant Sivakumar, who is a Member of the Bharathi Janatha Party, is that his car, bearing registration No.TN 38 AS 6900, which was parked in front of his house, was damaged by the accused. Hence the case.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the Members of the Popular Front of India (PFI). He further submitted that the Government of India has banned the PFI Organisation, thereby, there were some acts of vandalism in and around the area. He further stated that the respondent had arrested the petitioner only based on the confession statement recorded from the arrested accused and on suspicion. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.side) appearing for the respondent would submit that the petitioner is the Members of the



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banned organisation Popular Front of India (PFI) and since their organisation was banned by the Government of India, in order to show his protest, the petitioner had 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. However, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the co-accused have been arrested on bail and the petitioner is without prejudice to his defence, the petitioner is ready and willing to deposit Rs.4,000/- to the credit of crime numbers. Hence, he prays for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on records.

7. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner is volunteered to



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deposit the Rs.4,000/- towards the cost of damage, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Merely because the petitioner had deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial court to deal with the case independently.

9. Accordingly, the petitioner is directed to deposit a sum of Rs.4,000/- (Rupees Four Thousand only) to the credit of each Crine No., without prejudice to his rights and contentions before the Trial Court, on such deposit (disposal of the amount deposited shall be done after the completion of trial), the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate II, Pollachi**, on condition that the petitioner shall execute a 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



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the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall stay at Ramanathapuram and report before the Inspector of Police, Ramanathapuram Town Police Station daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 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]**.



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

08.06.2023

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