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Crl.O.P.Nos. 11893, 12245 and 12300 of 2024

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C.SARAVANAN, J.

The petitioners in Crl.O.P. Nos. 12245 and 12300 of 2024 are apprehending arrest by the respondent police for the alleged offences under Sections 143, 294(b), 324 and 506(i) of Indian Penal Code, 1860 in Crime No.108 of 2024 based on the complaint lodged by the defacto complainant one Venkatesan. The petitioners in Crl.O.P.No.12300 of 2024 are apprehending arrest by the respondent police for the alleged offences under Sections 143, 323, 324 and 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.110 of 2024 based on the complaint lodged by one Kamala. These petitioners seek anticipatory bail.

2. The case of the prosecution in Crime No.108 of 2024 is that on 14.04.2024 at about 10:00 AM, when the defacto complainant/ Venkatesan was conducting alms giving on account of birthday celebration



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of Dr.B.R.Ambedkar, the petitioners along with other accused came there and picked up a quarrel and abused the defacto complainant/ Venkatesan. Further, at about 09:00 PM, the accused have followed the defacto complainant and assaulted him by throwing blue metal stones and hallow block stones. Hence the case.

3. The case of the prosecution in Crime No.110 of 2024 is that on 14.04.2024 at about 11:00 AM, while the defacto complainant/ Kamala was informing her family members that her son-in-law was assaulted by the petitioners, the petitioners picked up a quarrel, threatened and abused the defacto complainant/ Kamala with dire consequences and also attacked the defacto complainant and her relative using iron rod and hands. Hence the case.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any of the alleged offence and that they have been falsely implicated in these cases. He also further submitted that due to quarrel picked up between the defacto



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complainants and the petitioners, who belong to different political formation during the birth anniversary celebration of Dr.B.R.Ambedkar, there was commotion and a false cases have been registered. He also further submitted that the 2nd petitioner in Crime Nos.108 and 110 of 2024 has also lodged a complaint before the respondent police in Crime No.109 of 2024 dated 16.04.2024 for the offences under sections 294(b), 323 of IPC against the defacto complainant/ Venkatesan and there is also another counter case pending against the defacto complainant/ Kamala, who is the relative of said Venkatesan in Crime No.111 of 2024, dated 16.04.2024 for the offence under sections 294(b), 323 of IPC. He also further submitted that the petitioners 3 to 6 in Crl.O.P.No.12300 of 2024 are college going students and the present case has been foisted against the petitioners in order to take vengeance. Therefore, he prays to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) would submit that the petitioners herein and the defacto complainants in Crime No.108 and 110 of 2024 belong to different political parties and had picked up a



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quarrel between them, during the celebration of the birth anniversary of Dr.B.R.Ambedkar. He further submitted that the quarrel between the parties had resulted in exchange of blows and injuries between the two groups. He also submitted that the injured persons have been discharged from the hospital. However, he opposed granting anticipatory bail to the petitioners as custodial interrogation was required to hook all those who were involved.

6. Considering the facts and circumstances of the case and also the submissions made by both counsels and considering the age factor of most of the petitioners in these criminal original petitions and nature of offences alleged to have been committed by these petitioners, the Court is inclined to grant anticipatory bail to the respective petitioners with certain conditions.

7. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance immediately on the following conditions :-



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[a] the petitioner shall appear before the **learned Judicial Magistrate, Palacode** within a period of fifteen days from the date on which the order copy made ready.

[b] He shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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.

[c] 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.

[d] Each of the petitioners shall donate a sum of Rs.5,000/- (Rupees Five Thousand only) to a recognised and registered orphanage in Dharmapuri District within a period of two weeks from the date of receipt of this order copy.

[e] the petitioners shall report before the respondent police as and when required for interrogation and directed to co-operate for the investigation.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioners shall not abscond either during



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investigation or trial.

[h] 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]**.

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

8. In subject to the compliance of the stipulated conditions above, the petitioners shall be enlarged on bail, in case they are arrested in connection with the investigation in Crime Nos.108 and 120 of 2024.

23.05.2024

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