



CrI.O.P.No26696 of 2024

CrI.O.P.No.26696 of 2024

WEB COPY

P.DHANABAL,J.

The petitioner/A3 who apprehends arrest for the alleged offences under Sections 170 of IPC and 5 of Emblems & Name (Prev. of Improper Use) Act, 1950, in Crime No.255 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused run an organization in the name of 'National Human Rights Consumer Rights Protection Organization'. The accused have impersonated as Human Rights Commission officials and they were issuing human rights bills and cheated the common public. They had also issued ID cards by misusing and misleading the public to believe that they are lawful bodies under the State. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant was a former member of the said organization



CrI.O.P.No26696 of 2024

and due to dispute with A1, he came out from the organization and gave false complaint and based on his complaint, this false case has been registered against the petitioner and others for the offences under Sections 170 IPC read with Section 5 of Emblems and Names Act 1950. In fact, for the same set of allegations, already FIR was registered in Thazhambur Police Station, Tambaram in Cr. No.61 of 2024 and subsequently on the file of Maraimalai Nagar Police Station, Tambaram in Cr. No.342 of 2024. The petitioner is an innocent and he is ready to abide by any condition imposed by this Court. He further submits that the co-accused was enlarged on anticipatory bail by this Court vide orders dated 18.10.2024 in CrI.OP.Nos.24432 and 24216 of 2024 respectively. He has not committed any offence as alleged by the prosecution and hence, prays to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor / defacto complainant would submit that the petitioner and the co-accused are the habitual offenders and they have erected banners, flags, cutouts in the name of Human Rights and misused the Emblems by affixing Government symbols "Public Sector". Hence complaint has been lodged against the organization



CrI.O.P.No26696 of 2024

run by the accused for their illegal activities, land grabbing, extortion, cheating and Kangaroo Court and therefore, he strongly objected to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that 'National Human Rights Consumer Rights Protection Organization' headed by A1 along with other accused under a fake registration No.377 of 2003 with a fake identification, which is prohibited by law to function under the nomenclature of Human Rights as per the National Human Rights Commission Circular dated 25.09.2009 and 29.12.2010. But the accused without approval from competent authorities had conducted public / organizational unlawful meetings. They are misleading the public to believe the organization is recognized by the Government and Human Rights Commission and they collected money from the public for issuing ID cards etc., As per the order of the Judicial Magistrate Court, Alandur under Section 156(3) of Cr.P.C., this case was registered by the respondent police for the offences under Section 170 IPC read with Section 5 of Emblems and Names Act 1950 and investigation is not completed and hence strongly objected to



Crl.O.P.No26696 of 2024

grant anticipatory bail to the petitioner,

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Considering the representations made on either side, considering the fact that already for the same set of allegations, complaint was lodged and FIR was registered in Cr. No.61 of 2024 on the file of Thazhambur Police Station and Cr.No.342 of 2024 before Maraimalai Nagar Police in which the petitioner was released on bail and thereafter, by the same complainant, the present complaint has been lodged against the petitioner and also considering the nature of offences and the fact that there is no previous case pending as against this petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

8. Accordingly, 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**



CrI.O.P.No26696 of 2024

Magistrate Court No.II, Alandur on condition that the petitioner 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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



CrI.O.P.No26696 of 2024

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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

25.10.2024

Vv



WEB COPY



CrI.O.P.No26696 of 2024

P.DHANABAL, J.

Vv

CrI.O.P.No.26696 of 2024

25.10.2024