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CrI.O.P.No.28070 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 153A and 153B of IPC in Crime No.731 of 2023, seek anticipatory bail.

2.The petitioners are affiliated to RSS and they are the participants of the Annual Route March, which had been conducted after permission has been granted with certain conditions by the Hon'ble Supreme Court.

3.It is the case of the respondent that during the Annual Route March, the conditions imposed had been violated, necessitating registration of the First Information Report.

4.The learned counsel for the petitioners, however, disputed that particular contention and stated that no condition had been violated and as a matter of fact, stated that the entire Annual Route March had been videographed and since there were further restrictions imposed, there was a necessity to file contempt petition against the respondent.



Crl.O.P.No.28070 of 2023

WEB COPY

5. One of the conditions, which according to the respondent has been violated was the condition not to issue any pamphlet which would contain any statement which would directly affect the integrity of the country or is targeted against a particular class of citizens of the country. However, this allegation is also seriously disputed by the learned counsel for the petitioners herein.

6. These are issues on facts, which will have to be examined during the course of trial. The Annual Route March had now been completed and if there are violations committed, then the respondent are at liberty to point them out whenever permissions are sought again.

7. At this stage, the only condition which can be imposed by this Court is for an affidavit to be filed by the petitioners **that they would never violate any condition, if imposed by any Court or by the police officials who regulate the Route March in future. Let them also file an affidavit explaining whether any of the conditions already imposed had been violated during the Annual Route March, which**



Crl.O.P.No.28070 of 2023

had been conducted and in which the petitioners participated.

Placing an obligation on the petitioners to file such an affidavit before the concerned jurisdictional Magistrate Court, anticipatory bail is granted to the petitioners and with certain conditions.

8.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 – II, Kallakurichi, Kallakurichi District, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petition 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.



WEB COPY



Crl.O.P.No.28070 of 2023

C.V.KARTHIKEYAN, J.

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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for the interrogation.

[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 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.

02.01.2024

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Crl.O.P.No.28070 of 2023