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Crl.O.P.No.18 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 18 of 2025

1.N.Chinnaraj
2.Thangamani
3.Chandrasekar
4.Sathishkumar
5.Ragu Soorya@ RaghuSurya
6.Arumugam

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police
Puliyampatt Police station,
Erode District.
Crime No.394 of 2024.

Respondent(s)

Prema

Defacto complainant/Intervenor

For Petitioners:

Mr.M.Mariappan

For Respondent:

Mr.S.Santhosh

Government Advocate (Crl.Side)

For Intervenor:

Mr.K.Rajamohan

ORDER

Apprehending arrest in connection with Crime No.394 of 2024 registered for the offences punishable under Sections 196, 191(2), 332(c) and 351(2) of BNS, 2023, r/w. Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution as per the defacto complainant, who is the Principal of Springdale Public School is that, on 22.12.2024, while they were conducting a program in the School, the accused under the leadership of Hariharan and Chinnaraj, along with certain un-named persons trespassed into the School and threatened the defacto complainant and others in front of the children, stating that, they were indulging in conversion and they have also threatened to hand over one NovaSelvin and they also further threatened that they will come along with 5000 persons and conduct a protest in front of the school. Hence, the case.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court. He would submit that the petitioners received information that conversion activity was going on in the School and that they had gone there, other than that they have not committed any offence. He would submit that the petitioners have also filed an affidavit of undertaking, expressing their un-conditional apology to the Principal and Management of the School that they will not indulge in any such kind of activity in future. He would submit that the main accused Hariharan in this case has been arrested and released on bail. He would further submit that the petitioners are ready to abide by any stringent conditions that



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may be imposed by this Court.

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3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that, the petitioners along with one Hariharan had trespassed into the School and terrorised the staff and the students in the school while they were conducting a Christmas program and they have also threatened them that they will conduct a protest against the school. He would further submit that the first petitioner is an Advocate by profession.

4. The learned counsel appearing for the intervenor would submit that the petitioners along with one Hariharan trespassed into the school and threatened the teachers terrorised and the students, while they were conducting a program. However, he would submit that the Management has accepted the un-conditional apology given by the petitioners, in order to have a conducive atmosphere/environment.

4. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and the learned counsel appearing for the intervenor and perused the materials available



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on record, it is the case where the petitioners have trespassed into the school while the Christmas program was going on. It is also seen that the first petitioner who is an Advocate by profession has indulged in this act and this Court highly deprecates the conduct of the first petitioner. However, taking into consideration the undertaking affidavit of apology filed by the petitioners and that the first accused has been arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Sathyamangalam**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners fail to surrender before the said



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Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

The affidavit of undertaking filed by the petitioners shall form part of the Court records.

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A.D.JAGADISH CHANDIRA, J.

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