

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7664 of 2021

1. Vilkrishnan
S/o.Raji

2. Vedyappan
S/o Kulanthai

... Petitioners

Vs.

The State Rep by
Inspector of Police
Deevattipatty Police Station,
Salem District
Cr.No.14 of 2020

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.14 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.R. Sankarasubbu

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

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ORDER

The first and second petitioners were arrested and remanded to judicial custody on 18.03.2021 and 19.03.2021 for the offence punishable under Sections 188, 120(b),121,121(A),124(A) and Section 10, 13, 15, 18 of the Unlawful Activities (Prevention) Act, 1967, in Crime No.14 of 2020, seek bail.

2. The case of the prosecution is that all the petitioners are supporters of a banned moist organisation. While the husband of A1 in this case by name Manivasagam, said to have died in the police encounter, in support of the deceased, all the petitioners have raised slogan praising the deceased and also abused Hon'ble Prime Minister and police personnel. Hence, a criminal case has been registered against all the petitioners . Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that the occurrence said to have taken place in the year 2019 and the only allegation is that all the petitioners have raised slogans in the praise of deceased moist

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leader, who is husband of A1 in this case and they said to have raised slogans against the Government and absolutely, there is no allegation of any violence. He would submit that the main accused A1 and others were already released on bail and the petitioners are in jail for more than 45 days. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would strongly oppose this petition on the ground that all the accused are supporters of a banned moist organisation and on 11.02.2019 in a death of one moist leaders, the petitioners have raised slogans against the Government and abused Government officials and others. Hence, a criminal case has been registered against the petitioners. She would submit that the other arrested accused were released on bail. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that the only allegation is that he has raised only slogan praising the deceased moist leader and said to have raised slogans against the Government. Now, it is stated that other similarly placed co-accused were released on bail. On considering the fact

that the occurrence taken place in the year 2019, and on considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the **Principal Sessions Judge, Salem** and on further condition that:

(a) 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(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 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]*; and;

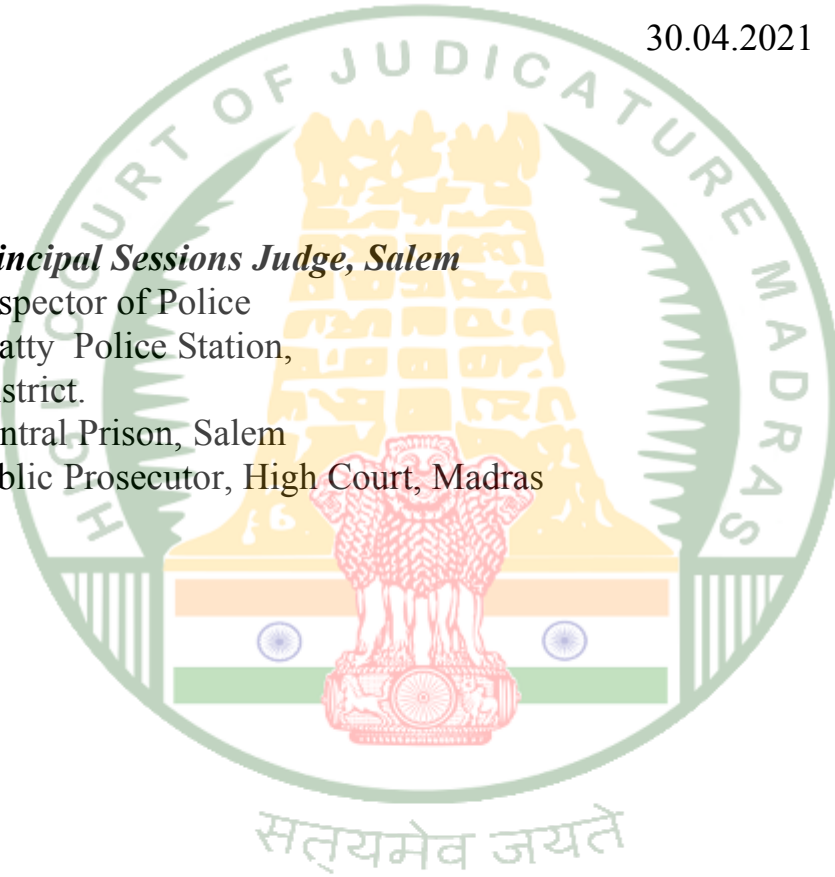
(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

30.04.2021

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To

1. The *Principal Sessions Judge, Salem*
2. The Inspector of Police
Deevattipatty Police Station,
Salem District.
3. The Central Prison, Salem
4. The Public Prosecutor, High Court, Madras

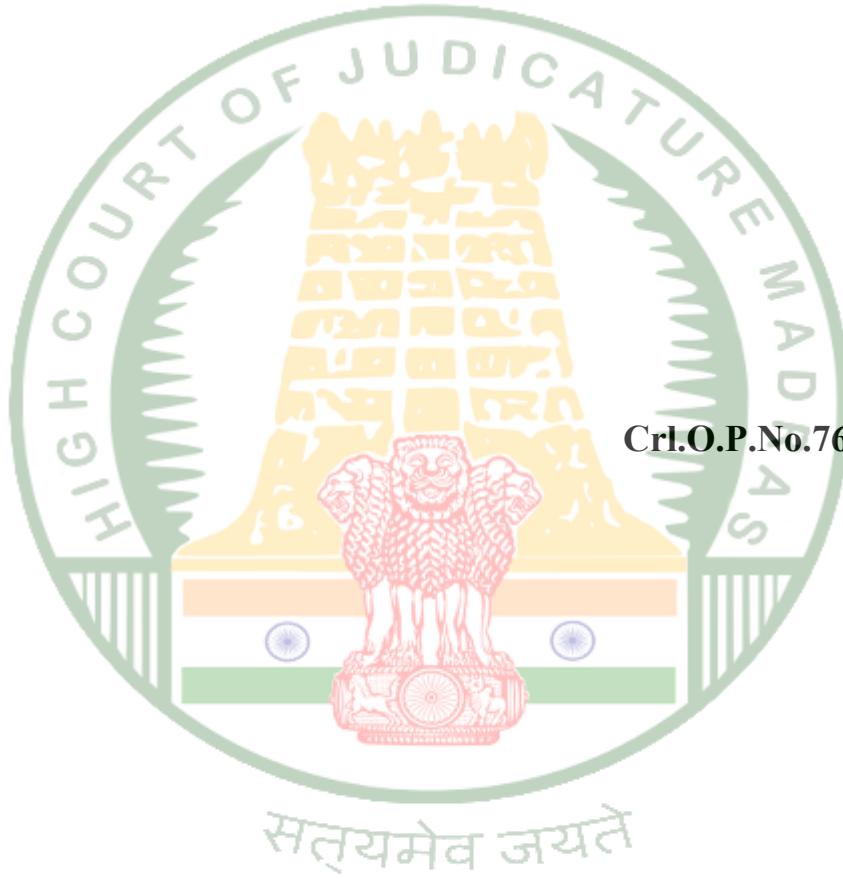


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