



CRL OP(MD)No.5874 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.05.2025

PRESENT

The HONOURABLE MR. JUSTICE M.JOTHIRAMAN

CRL OP(MD)No.5874 of 2025

1.Raja Mathan
2.Selvakumar
3.Arasupandi

... Petitioners

Vs

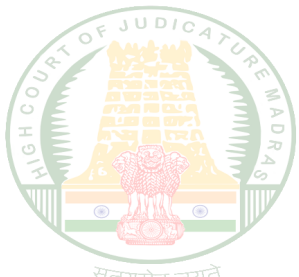
State of TamilNadu rep. by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City,
Madurai District.
(Crime No.601 of 2024)

... Respondent

For Petitioner : Mr.Niranjan S.Kumar

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-
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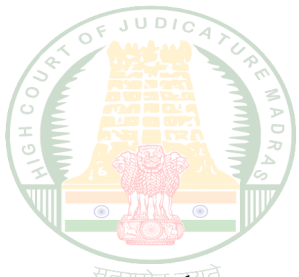
For Anticipatory Bail in Cr.No.601 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 192, 196(1)(a), 197(1)(c), 352, 353(1)(c) and 353(2) of BNS, 2023 in Crime No.601 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 27.08.2024 at about 3.30p.m. Near Nagamma temple situated at Villapuram Housing Board, The Hindu Munnani parties have conducted a protest against the attack on the Hindus in Bangladesh. At the time of protest meeting, the petitioners/Accused Nos.1 to 3 have made hateful statements and spoke in a way that incited riots between the general public. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners herein are the members of the Hindu Munnani Party. They used to conduct protest and other social activities related to development of the temples etc., On 27.08.2024,

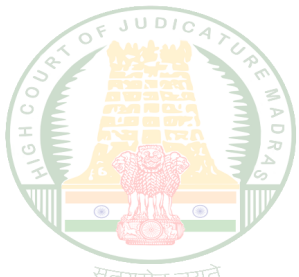


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the 3rd accused has arranged to conduct protest against the attack of the Hindus in Bangladesh. He would further submit that the third accused seeking permission to conduct protest, thereby, he submitted a requisition to the respondent police, initially the respondent police rejected the request of the third accused to conduct the protest. Therefore, the third accused had filed a writ petition in W.P.(MD).No.19672 of 2024 before this Court. This Court passed an order on 16.08.2024 and disposed of the writ petition with certain conditions and permission was granted by the respondent police to conduct protest in a peaceful manner. He further submits that the petitioners do not have any bad antecedent personally. They politically conducting protest, Dharnas and other Hindu Munnani issues. The petitioners/accused undertakes that they will not tamper with any evidence and they will not abscond from the proceedings. The petitioners are innocents and they are falsely implicated in this case. He further submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor would submit that the petitioners/accused herein have made hateful statements and spoke in a way that incited riots between the general public. He would further submit that the



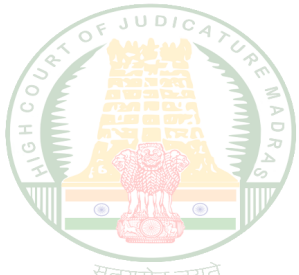
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petitioners/accused are having several previous cases. As against the first accused five cases are pending, as against the second accused, three cases are pending and the third accused is concerned, there are twelve cases are pending. Hence, he prays to dismiss this Criminal Original Petition.

5. Heard both sides and carefully perused the materials available on record.

6. A perusal of the records shows that on 27.8.2024 at about 3.30p.m. near Nagamma temple situated at Villapuram Housing Board, the Hindu Munnani party had conducted a protest under leadership of petitioner/third accused. The purpose of the protest was against the attack on the Hindus in Bangladesh. It seen from the records that the petitioner/third accused had filed W.P.(MD).No.19672 of 2024 seeking a relief to direct the third respondent therein to give permission to conduct Dharna protest in the fourth week of August, 2024 at about 05.00p.m. to 07.00pm and to give protection for the same. This Court vide order dated 16.08.2024 in W.P.(MD).No.19672 of 2024 had observed as follows:

"This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the order, dated 11.08.2024 passed by the third respondent and quash the same as unconstitutional and consequently, direct the third



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respondent to give permission to conduct Dharna protest by the petitioner organization at Jansirani Poonga, Madurai Town on any other date in the fourth week of August, 2024 at about 05.00 pm to 07.00 pm and to give protection for the same.

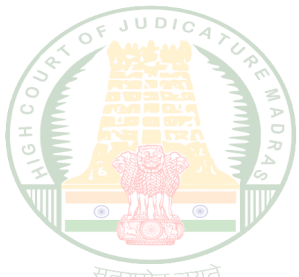
2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents would submit that the third respondent had passed an order, dated 11.08.2024, rejecting the petitioner's representation mainly on the ground that the venue proposed by the petitioner is the congested area.

3. The learned counsel for the petitioner would submit that they are ready to change the venue to be proposed by the respondent police and also made an endorsement to withdraw the allegation raised in ground (g). He would further submit that they have also decided to conduct Dharna on 21.08.2024.

4. Recording the submission made by the learned counsel on either side, the petitioner is directed to give a fresh representation incorporating new venue, date and time and on such receipt of the representation, the third respondent Police is directed to consider the same and pass orders in accordance with law.

5. With the above directions, this writ petition stands disposed of. No costs.'

7. The said protest was conducted on 27.08.2024 and the FIR came to be registered on 02.09.2024. According to the learned Additional Public Prosecutor, the



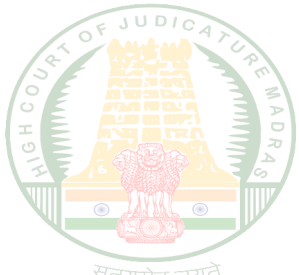
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entire speech delivered by the petitioners/accused, at the time of protest has been recorded and the same has been reflected in the First Information Report. The petitioners/Accused have already obtained prior permission to conduct the said protest. considering the facts and circumstances, this Court is inclined to grant an order of anticipatory bail to the petitioners with certain conditions:

8. Accordingly, the petitioners are ordered to be released on anticipatory 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 Judicial Magistrate VI, Madurai, 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.

[b] In order to understand the object and constitutional values enumerated



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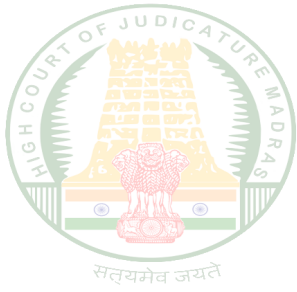
under the Constitution of India, the petitioners/ Accused Nos.1 to 3 are directed to write Preamble of the Constitution of India Article 19 and Part-IV-A - Article 51-A Fundamental duties, Ten times in a notebook, either in English or Tamil, and to submit before the concern judicial magistrate Court.

[c] the petitioners shall report before the respondent Police on every Monday and Friday at 10.30a.m.until further orders.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].



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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS 2023.

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GVN

TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-5466[I] dated 09/05/2025)



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ORDER

IN

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Date :09/05/2025

SS/SAR- /26/05/2025/ 9P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023