



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17196 of 2017

1 HASIM MOHAMED
2 P.S.MOHAMED IBRAHIM
3 ABDUL RAHMAN
4 ABDULLAH
5 KASHMIR IBRAHIM @KASIM IBRAHIM ... PETITIONERS/ACCUSED Nos.1 to 5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

IN CR.NO.637/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.SUBASH BABU Advocate

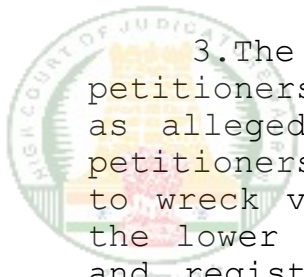
For Respondent : Mr.M.MURUGAN, Advocate for
Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

For Intervenor : Mr.N.MOHAN, Advocate
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of I.P.C., in Crime No.637 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that based on the direction issued by the lower Court under Section 156(3) of Cr.P.C., the respondent police registered a case against the petitioners and other accused. The defacto complainant is the practicing advocate and legal advisor of Jamath and the petitioners are also holding various posts in the Jamath. Since there was dispute between the petitioners and the defacto complainant Jamath, the defacto complainant lodged a private complaint against the petitioners under Section 156(3) of Cr.P.C., before the lower Court and the same was forwarded to the law enforcing agency for investigation, the law enforcing agency registered a case against the petitioners for the



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that the petitioners were holding respective posts in the Jamath and in order to wreck vengeance, the defacto complainant filed complaint before the lower Court and the same was forwarded to law enforcing agency and registered a case against the petitioners. He would further submit that the defacto complainant requested the Tirunelveli Bar Association to pass resolution against the petitioners and they also passed a resolution in favour of the defacto complainant. As the petitioners did not appear before any Court, this Court may direct the petitioner to execute sureties before the learned Judicial Magistrate, Alangulam.

4.The learned counsel for the intervenor submitted that the defacto complainant is a practicing advocate and legal advisor of Jamath. Since the petitioner misappropriated a sum of Rs.60,00,000/- (Rupees Sixty Lakhs only) from the Jamath funds, the defacto complainant lodged a complaint against the petitioners. He would further submit that if the petitioners were enlarged on bail, the petitioners would tamper the witnesses and hide the swindled money from the Jamath.

5.The learned Government Advocate (Criminal side) appearing for the State submitted that no one sustained injury in the alleged occurrence and there is no offence under Section 420 of I.P.C., was levelled against the petitioners only the offences under Sections 147,148, 294(b), 324 and 506(ii) of I.P.C, were levelled against the petitioners.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), I am inclined to grant anticipatory bail to the petitioners with certain conditions and to issue a direction to the learned Judicial Magistrate, Alangulam, to entertain the sureties. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Alangulam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;



(iv) the petitioners shall not commit any offence while on bail;

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
14/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.M.SUBASH BABU Advocate SR.No.36273

JAM/22.12.17/RR/ SAR3 / 3p-6c

ORDER
IN
CRL OP(MD) No.17196 of 2017
Date :14/12/2017