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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 08/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.11787 of 2022

Nasar Mohamed : Petitioner/Sole Accused

Vs.

State represented by
Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.1195 of 2021)

: Respondent/Complainant

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.Thanga Aravindh.B
Government Advocate
(Criminal side)

For Intervenor : Mr.D.Shanmugaraja Sethupathi

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :- C38B.For Bail in Crime No.1195 of 2021 on the
file of the Respondent Police.



ORDER : The Court made the following order:-

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The petitioner, who is arrayed as sole accused was arrested, on 07/06/2022 and remanded to judicial custody for the alleged offences punishable under sections 501, 505(2), 505(3) and 506(i) IPC, in Crime No.1195 of 2021, seeks bail.

2.The case of the prosecution is that the de-facto complainant is a practising Advocate and also correspondent of the Iqbalia Higher Secondary school and he was also head of the Jumma Periya Pallivasal Wakf, Batlagundu. He took all the development activities. But however, some of the persons, who were inimical towards him started spreading defamatory allegation against him. The accused person belongs to a political party. He continuously making criminal intimidation and also defamatory spreading through social media. No proper election was also conducted for the above said Jamath, he has made some other defamatory allegations also, thereby intervened in the smooth functioning of the Jamath. He also divided the Jamathi into two groups. So, the case has been registered.



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3. Seeking bail, this petition came to be filed by the petitioner stating that he was arrested and remanded to judicial custody, on 07/06/2022, in connection with Crime No.225 of 2022. Bail was granted, on 15/06/2022. Later, he was arrested in this crime. The bail application that was filed by the petitioner was dismissed, on 24/06/2022 by the Principal District Judge, Dindigul. Subsequent to the dismissal order, this petition has been filed. Along with this petitioner, Cr1.OP(MD)Nos.11781, 11784 and 11785 of 2022 were also heard together. Those three petitions were for anticipatory bail and the intervenor has also filed intervening petition and heard at length.

4. After hearing the learned counsel appearing for the petitioner and the learned counsel appearing for the intervenor, it is seen that continuous trouble exists between the petitioner and the de-facto complainant herein.

5. The learned counsel appearing for the petitioner would submit that the de-facto complainant was removed from the Chairmanship, because of the illegal activities



and so, the administration was handed over to a Committee.

6. But the learned counsel appearing for the intervenor/de-facto complainant would submit that the de-facto complainant was not removed from the post of Chairman and only because of the non conducting of the election within a particular period, an ad hoc committee was appointed, who took the complete administration. The petitioner is not having good conduct and precedent and he has involved in so many criminal cases, including selling of Tobacco products, which was listed out by the respondent. According to him, a person of such bad precedent should not be enlarged on bail.

7. But however, the learned counsel for the petitioner would submit that the occurrence took place in 2017 and there is continuous trouble right from that year. But however, the police by taking the assistance of the de-facto complainant, arrested the accused in one after another case. According to him, it is entirely internal dispute within the Jamath and absolutely, no criminality is involved.



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8.Perusal of the entire records shows that there are continuous problem between two groups of people with regard to the administration of the Jamath. Considering this factual aspect, continuation of the judicial custody of the petitioner may not be required in the facts and circumstances of this case. Repeated filing of the complaints, FIRs and repeated filing of the bail applications has become a routine affair.

9.Considering the above facts, this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is 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 each for a like sum to the satisfaction of the Judicial Magistrate, Nilakottai and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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Index:Yes/No
Internet:Yes/No
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

- 1.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.Sub Jail, Dindigul.



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G. ILANGO VAN, J

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