



WEB COPY



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

Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.14182 and 14199 of 2022

Kadhar Batcha ... Petitioner/Accused (Rank Not Known)
in Crl.O.P.(MD) No.14182 of 2022

1.Jalaludeen Arif
2.Abdul Kadhar Alhaf
3.Shed Ibrahim ... Petitioners/Accused
in Crl.O.P.(MD) No.14199 of 2022

Vs

The State Rep. By,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District
(Crime No. 177 of 2022). ... Respondent/Complainant
in both Crl.O.Ps.,

In Crl.O.P.(MD) No.14182 of 2022

For Petitioner : Mr.Surianarayanan R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

In Crl.O.P.(MD) No.14199 of 2022

For Petitioners : Mr.A.Mohamed Riyaz
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.177 of 2022 on the file of the respondent police.



COMMON ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 147, 148, 324, 332, 427 and 307 IPC @ 147, 148, 324, 332, 427 and 307 IPC and 3(1) of TNPPDL Act in Crime No.177 of 2022 the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

3.The defacto complainant lodged a complaint stating that he is the National Secretary in a political party. On 16.07.2022, after attending a meeting, defacto complainant and others enroute their stop near Ilayankudi Kammakarai Road, had tea. After taking the tea, they were about to get into the vehicle and at that time, about 50 persons, who belong to a fundamental religious group, caused severe assault to them and also caused damage to the vehicle. So, it is a pre-planned assault. Based upon the aforesaid occurrence, the present case has been registered for the offences punishable under Sections 147, 148, 324, 332, 427 and 307 IPC. Now seeking bail, these petitions have been filed.

4.The entire CD file has been called for and perused.

5.Reading of the CD file shows that the accused persons were inimical towards the injured persons on the ground that against their religious faith, they joined another national political party. So, this is the motive behind the occurrence. However, it is seen that there was no injury caused to the injured persons. They stated that they suffered only simple injury. However, it is seen that 4 vehicles have been damaged in the aforesaid issue.

6.The respondent, who is the Investigation Officer, was present before this Court in person and has submitted that it is a pre-planned attack, which has been committed by the accused persons upon the injured. Since some religious faith is involved in the aforesaid issue, investigation is under process.

7.As I mentioned earlier, the motive for the aforesaid occurrence is nothing but a religious faith. As I mentioned earlier, the accused were really intended to cause assault to the injured. Even though it has been contended by the learned counsel for the petitioners that both parties belong to the very same religion, they were divided on the political lines. Every person is entitled to be a member of a political party, which he likes. The religion absolutely has no role to play in this issue.

8.No doubt that the petitioners entertained some sort of ill-feeling, which is not at all good in the interest of the society. In the facts and circumstances of the case, considering the fact that only simple injury has been caused to the injured persons, major



the hospital for treatment and considering the duration of custody of the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail, on executing a personal 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 learned Judicial Magistrate, Ilayangudi, Sivagangai District and on further condition that the petitioners shall deposit a sum of Rs.25,000/- each to the credit of Crime No.177 of 2022 before the learned Judicial Magistrate, Ilayangudi, Sivagangai District. They must stay away from the Sivagangai District and must stay at Perambalur and report before the Perambalur Town Police Station daily at 10.30 a.m. until further orders.

sd/-

10/08/2022

/ TRUE COPY /

/08/2022

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

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 JUDICIAL MAGISTRATE,
ILAYANGUDI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
5. THE OFFICER-INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.



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

COPY TO :

THE INSPECTOR OF POLICE,
PERAMBALUR TOWN POLICE STATION,
PERAMBALUR.

+1 C.C. TO M/S.A.MOHAMED RIYAZ, ADVOCATE, S.R.NO.8384(I), DATED :
11.08.2022.

+1 C.C. TO M/S.R.SURIANARAYANAN, ADVOCATE, S.R.NO.8385(I), DATED :
11.08.2022.

ORDER
IN
CRL OP(MD). Nos.14182 and
14199 of 2022
Date :10/08/2022

MM
USK/VR/SAR-III/11.08.2022/4P/10C