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

Date : 09/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.16291 of 2022

Mohamedlabeer

... Petitioner/Accused
Rank Not KNown

Vs

State rep.by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai.
(Crime No.177 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Mohamed Riyaz A, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 147, 148, 307, 324, 332 and 427 IPC @ Sections 147, 148, 307, 324, 332 IPC and Section 3(1) of TNPPDL Act, in Crime No.177 of 2022 on 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, the 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 anticipatory bail, this petition has 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 enimical 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 any one. 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 petitioner 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 petitioner 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 no injury has been caused to any one, major portion of the investigation is also over and none was admitted in the hospital for treatment, this Court is inclined to grant anticipatory bail to the petitioner.

9.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Elayangudi, on condition that the petitioner shall execute 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



10. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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

MM

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

ORDER
IN
CRL OP (MD) No.16291 of 2022
Date : 09/09/2022