



CRL OP(MD). No.13202 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. Satham Hussain
- 2.Ibrahim
- 3.Muhamed Ibrahim
- 4.Syed Ibrahim
- 5.Saina @ Sainappa
- 6.Parveen Fathima
- 7.Ramjan @ Ramjan Beham
- 8.Sarammal

... Petitioners / Accused No.1 to 8

Vs

The State represented by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No.234 of 2023.

... Respondent / Complainant

For Petitioners : M/s.A.Joseph Jerry ,

For Respondent : Mr.S.Manikandan
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.234 of 2023 on the file of the Respondent
Police

<https://www.mhc.tn.gov.in/judis>



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ORDER: The Court made the following order :-

The petitioners / Accused Nos.1 to 8, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 332, 427 and 506(i) of IPC, in Crime No.234 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, one Mohamed Fasith was taken to police station for enquiry on the basis of the complaint given by some persons who have alleged to have given give money to the Mohammed Fasith. On coming to know about the enquiry undertaken by the police, several persons trespassed into the police station and made quarrel with the police to hand over the person to them. On the said scuffle, some of the police have got injury. The matter was pacified and the persons were sent out of the police station. On that basis, the present case came to be registered.

3. The learned counsel for the petitioners would submit that they are the victims of the crime committed by the said Mohamed Fasith. They are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (crl.side) would submit that the petitioners have went to the police station only to enquire the Mohammed Fasith, as they are the victims and not with a motive to cause injury to the police persons.



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5. Eventhough, it is stated that the petitioner trespassed into the police station and took up a quarrel with the police persons, they did not purposefully caused the quarrel. The petitioners seems to be the victims of the crime alleged to have committed by the said Mohammed Fasith. Due to loss of temper, they attacked and cause injury and assaulted the police. The petitioners are directed to file an undertaking affidavit that they will indulge in any such activities either to the said Mohamed Fasith or to the police who were conducting enquiry in the case, in future.

6. Considering the facts and circumstances of this case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant relief to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and on such undertaking affidavit being filed, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Uthamapalayam, Theni, on condition that the petitioners 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 on further condition that the petitioners shall appear before the trial Court daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



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8. The petitioners 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 stands dismissed.

sd/-
03/08/2023

/ TRUE COPY /

/ /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
UTHAMAPALAIYAM POLICE STATION
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.JOSEPH JERRY, Advocate (SR-11886[I] dated 07/08/2023)

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ORDER
IN

CRL OP(MD) No.13202 of 2023

Date :03/08/2023

PKP/BUC/SAR- /18.08.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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