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Crl.O.P.(MD)Nos.13231, 16207 and 16225 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 27/09/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD) Nos.13231, 16207 and 16225 of 2023

(1)Crl.OP (MD)No.13231 of 2023:-

Abdul Huq : Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
represented by
The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
(Crime No.38 of 2023)

: Respondent/Complainant

For Petitioner : Mr.P.Manokaran

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

For Intervenor : Mr.V.Kathirvelu
Senior counsel
for Mr.E.Balasubramanian

(2)Crl.OP (MD)No.16207 of 2023:-

Abdul Huq : Petitioner/A1

Vs.

The State of Tamil Nadu
represented by
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.85 of 2023)

: Respondent/Complainant



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For Petitioner : Mr.P.Manokaran
For Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

(3)Crl.OP(MD)No.16225 of 2023:-

Abdul Huq : Petitioner/Accused Rank
Not mentioned in FIR

Vs.

The State of Tamil Nadu
represented by
The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
(Crime No.41 of 2023) : Respondent/Complainant

For Petitioner : Mr.P.Manokaran
For Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

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

COMMON PRAYER:-For Anticipatory Bail in Crime Nos.
38, 85 and 41 of 2023 on the file of the Respondent
Police.

COMMON ORDER: The Court made the following order:-



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The petitioner, who is arrayed as accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 506(i) IPC, in Crime No.38 of 2023; for the offences under sections 341, 294(b) and 506(i) IPC in Crime No.85 of 2023 and for the offences under sections 294(b), 341, 323, 150 and 506(ii) IPC, in Crime No.41 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief in all cases:- The de-facto complainant lodged a complaint stating that the de-facto complainant'S father is a witness to a case registered against Abdul Huq. He is also a Jamath President. Thinking that the de-facto complainant and his father are against him, the accused persons used to misbehave indecently. On a particular day, he was intercepted, criminally intimidated, abused, etc. So, he gave a complaint and a case was also registered against Abdul Huq. On 03/08/2023 at about 04.00 pm, some three unknown persons came to his shop and made enquiry with regard to electric bike. He also gave details on the next day. When he was returning from the Mosque, he was intercepted by the above said three persons and abused, caused assault stating that they should not make any issue with Abdul Huq. After making



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the criminal intimidation, they went away from that place. Based upon which, the case has been registered in Crime No.41 of 2023. Similarly, two cases have been registered against this petitioner in Crime Nos.39 of 2023 and 85 of 2023 for the offences stated above.

3. Seeking anticipatory bail in all the three cases, the petitioner namely Abdul Huq moved these petitions.

4. Heard both sides. The de-facto complainant also intervened through his advocate and he was also heard.

5. The learned counsel appearing for the petitioner would submit that repeated complaints have been given by the de-facto complainant against the petitioner over the election issue in the Jamath.

6. In spite of repeated adjournments and reference to the Mediation, no settlement could be arrived between the parties. It appears that before the Mediation Centre, there is no possibility of settlement. So, the matter was referred back to the Court for disposal on merits.

7. The learned Senior counsel appearing for the de-facto complainant would submit that the petitioner used



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to make allegations against the Jamath members, who come on the administrative position. According to him, because of the frequent trouble that has been created by the petitioner, repeated complaints have been given; Even during the pendency of these FIRs and hearing by this court, another attempt was made by the petitioner to threaten the de-facto complainant and others, over which another case was also registered.

8.Per contra, it is the case of the petitioner that because of the illegal action, writ petition has been filed and the above said complaint has also been given by the de-facto complainant and his relatives.

9.It is seen that WP Nos.5454 of 2023 and WP Nos. 25473 of 2021 batch etc. are filed before this court in respect of the above said affairs of Jamathi. We are not going in detail now. Suffice to say that because of the Jamath issue, continuous trouble exists between the parties.

10.The learned Government Advocate (Criminal side) has also produced the list of cases, which have been registered against each party. The cases are pending before the Veerasholam Police Station in Crime Nos.80 of



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2020, 40 of 2021, 23 of 2022, 2 of 2023, 38 of 2023 and 41 of 2023. STC No.113 of 2023 and before the Narikudi Police Station in Crime No.85 of 2023.

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11.This shows that continuous trouble exists between the parties. Instead of resolving the issue in a lawful manner, repeated complaints and counter complaints have been given. The parties are directed to file an undertaking before the Jamath. The petitioner has filed an undertaking affidavit. In spite of that, the de-facto complainant is not ready to settle the issue.

12.In view of the above said factual situation, this court is inclined to grant anticipatory bail to the petitioner, in all three cases, with certain conditions. Accordingly, the petitioner in all cases is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif-cum-**Judicial Magistrate, Thiruchuli** and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the



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condition stipulated under Section 438 Cr.P.C.

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

Index:Yes/No

Internet:Yes/No

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27/09/2023

To,

- 1.The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
- 2.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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