



CRL OP(MD). No.14073 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

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1.Jain Abdullah @ Abdulla Mohamed

2.Haidhar Ali @ Hyder Ali

3.Syed Faisal @ Syed Faizal

4.Noorulhak @ Syed Noorhak

... Petitioners/ Accused Nos.1 to 4

Vs

The State, represented by
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.
Crime No.108 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.MOHAMED RIYAZ.A,
Advocate.

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate (CrI.Side)

For Intervenor : Mr.S.T.SASIDHARAN TAMILKANI, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.108/2023 on the file of the
Respondent police.



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ORDER: The Court made the following order :-

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The petitioners/Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 434, 441, 153B, 504, 506(ii), 34 of IPC, in Crime No.108 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is now living at Trichy and is having a land at Kasimpudupettai, Pudukkottai, which is adjacent to the land of petitioners. The petitioners removed the fencing, which was put up by the defacto complainant and when the same was questioned by the defacto complainant, he was threatened that if he enter into the village, the petitioners will kill him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and no such occurrence happened as alleged by the prosecution. Actually, the defacto complainant married a women in the petitioners' village and he pronounced Talaq by leaving behind a daughter. Then he failed to maintain her daughter, for which, she approched the Jamath members, who are the petitioners herein. While the petitioners advised the defacto complainant to maintain his daughter, false complaint has been lodged against them.

4. The learned counsel for the defacto complainant would submit that the case



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in Crime No.72 of 2023 was registered by the defacto complainant against Ajarudeen and Mohamed Faisal, who are not the accused in this matter. He has made allegations against the accused persons, which are not available in the present First Information Report.

5. The learned counsel for the petitioners would submit that they appeared before the Deputy Superintendent of Police, Alangudi Police Station and gave a statment with regard to the above said issue.

6. According to the learned counsel for the defacto complainant, the defacto complainant is the owner of the property under dispute and he lodged a complaint stating that by making a threat upon him, the accused persons not only criminally intimidated him, also removed the fencing.

7. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is the issue between the parties over title of the possession of land. There is no previous case pending against the petitioners at their credit.

8. Considering the nature of offence and there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

9. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the



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learned District Munsif cum Judicial Magistrate, Alangudi, on condition that the petitioners shall execute a 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 Magistrate concerned and the petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

10. 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/-
22/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE DISTRICT MUNSIF CUM JUDICIAL AGISTRATE,
ALANGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KEERAMANGALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.



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

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-12583[I] dated
22/08/2023)

ORDER
IN
CRL OP(MD) No.14073 of 2023
Date :22/08/2023

SA/VR/SAR. /07.09.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.