



CRL OP(MD) No.1186 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1186 of 2024

JAHEER ALI SHAKIR ALI

... Petitioner / Sole Accused

Vs

THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
THUCKALAY,
KANYAKUMARI DISTRICT.
(CRIME NO.68 OF 2024.)

... Respondent / Complainant

For Petitioner : Mr.Sivabalan, Advocate
for M/s.G.Aravinthan, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (CrI. Side)

For Intervener : Mr.Maheswaran, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.68 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.



CRL OP(MD) No.1186 of 2024

ORDER: The Court Made the following order :-

WEB COPY

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 324 and 506(ii) of IPC, in Crime No.68 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that there was dispute between the petitioner's group and the defacto complainant group regarding to administration of 'Anjuvannam Beer Mohamed Dargah'. Hence, the issue was referred to the District Collector, Kanyakumari District. After enquiry, the District Collector, Kanyakumari District, appointed a fit person to managing the said Dargah. Even though, there was dispute between them. Thereby, on 19.01.2024, at about 11.15 p.m, the petitioner said to have attacked the defacto complainant with Scissor and caused injuries to him. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that already the District Collector, Kanyakumari District, has appointed a fit person to managing Dargah. But, the defacto complainant wore the batch to perform festival in the said Dargah. Hence, there was dispute between the petitioner and the defacto complainant.



CRL OP(MD) No.1186 of 2024

Further, the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the defacto complainant submitted that the petitioner's name is Tiger @ Jaheer Ali. He is a History Sheeted. 3 cases are pending against him. All are in similar nature. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner is having 3 previous cases. Among them, 2 cases are ended in acquittal and 1 case is pending against him. However, he fairly conceded that the injured was discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Padmanabhapuram, Kanniyakumari District, 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 respondent police or the police



CRL OP(MD) No.1186 of 2024

officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



CRL OP(MD) No.1186 of 2024

(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
29/01/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate No.I,
Padmanabhapuram, Kanniyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanniyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-1087[I] dated 29/01/2024)

ORDER
IN
CRL OP(MD) No.1186 of 2024
Date :29/01/2024



CRL OP(MD) No.1186 of 2024

ED/ GS /SAR- (31/01/2024) 6P / 6C

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