



CRL OP(MD) No.2872 of 2024

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

Friday, the Twenty Third day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2872 of 2024

1 SYEDALI ALAVUDEEN

2 ABDUL MAJEED

3 AHAMED IBRAHIM ... PETITIONERS / ACCUSED RANK UNKNOWN

Vs

THE SPECIAL SUB INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI,
TAMIL NADU 627 002

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAJA MOHAMED.A, Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

For Intervener : Mr.C.SUSIKUMAR, Advocate

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.115 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 143, 279, 294(b), 323, 379 and 506(i) IPC, in Crime No.115 of 2024, seek anticipatory bail.

2.The case of the prosecution is that on 18.02.2024 at about 12.40 p.m., the petitioners came in car by rash driving and scolded the defacto complainant using filthy language. Later, on the same day at about 1.20 p.m., the petitioner came along with hooligans, attacked the defacto complainant, scolded him using filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, the defacto complainant and the petitioners are belong to Social Democratic Party of India. When the petitioners asked to clear the road, the defacto complainant and others hit the car of the petitioners and shouted at him using abusive words. Further, it is a case and counter case and the counter case is registered in Crime No.116 of 2024. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned counsel for the intervenor would vehemently contend that the petitioner immediately after the incident, came along with hooligans and attacked the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) would submit that both the petitioners and the defacto complainant are belong to same political party and the injured is discharged from the hospital. Hence, he has no objection to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also considering the fact that both the petitioners and the defacto complainant are belong to same political party and the injured is discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are granted anticipatory bail and they are is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the



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learned Judicial Magistrate No.I, Tirunelveli, 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners 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 their 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 their identity;

(c)the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(e)the petitioners 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 petitioners in accordance



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with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
23/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE SPECIAL SUB INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI, TAMIL NADU 627 002
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.A.RAJA MOHAMED, Advocate (SR-2309[I] dated 23/02/2024)

ORDER

IN

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Date :23/02/2024

SS/VR/SAR- /08/03/2024/6P/6C

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