



CRL OP(MD). No.5338 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24.06.2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

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- 1.N.Mohamed Iqbal
- 2.Nagoor @ Shahul Hameed
- 3.Rasith @ Kamal Hussain
- 4.Masthan
- 5.Sheik Barith
- 6.Ijaz
- 7.Naseer
- 8.Anwar
- 9.M.I.Abdul Gafoor @ Sathik
- 10.Afsal
- 11.Ashik
- 12.N.Syed Rafeek
- 13.Shahul Hameed



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14.Rasool Thayyub

15.Shahul Hameed

16.Mohammed Hanifa

17.Asharaf

18.Umama

... Petitioners/ Accused No.1 TO 18

Vs

The State represented by  
The Inspector of Police,  
Kanyakumari Police Station,  
Kanyakumari,  
Kanyakumari District.  
[Crime No.157 of 2024]

... Respondent/Complainant

For Petitioners : Mr.RM.Arun Swaminathan

For Respondent : Mr.M.Sakthi Kumar,

Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.157/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police in connection with Crime No.157 of 2024, for the offence under Sections 294(b), 323, 332, 324, 341 and 506 (ii) IPC and Section 4 of TNPWH has filed this petition seeking anticipatory bail.



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2.The complaint was lodged by one Dilsath, W/o. Mohideen Babu that her husband is the Vice President of the Jamath and the accused who are nominated as against her husband had assaulted her husband on 02.04.2024 at about 9.00am. On the information over phone, the defacto complainant went to the place of occurrence and then she lodged the complaint.

3.The learned Counsel for the petitioner submits that there are two groups in Meerasa Andavar Pallivasal in Kanyakumari District. According to him the defacto complainant' husband group belongs to JAQH, which is a fundamentalist organization. They always create problem and therefore, the Tamil Nadu Waqf Board has taken the management of the Wakf and the Jamath. During the Ramzan festival, the Tamil Nadu Wakf Board constituted a committee and apprehending danger from this group, the committee has approached this Court in WP(MD) No.6461 of 2024 seeking police protection and it was allowed by order dated 15.03.2024. However, the group belonging to the defacto complainant's husband has prevented the police and therefore, the matter was referred by the police to the RDO. The RDO has conducted a peace committee meeting that was challenged in another writ petition in WP(MD)No.6759 of 2024 and WP(MD)No.6765 of 2024.



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Further incident had also taken place. On the complaint of the petitioners' side, a case was registered and as a counter blast this complaint has been lodged.

4.The learned Additional Public Prosecutor submits that the occurrence has taken place on account of celebrating Ramzan festival. The petitioners group decorated the street with serial lamps. This was objected by the defacto complainant, they have damaged the serial lamps, on account of which, the occurrence had taken place and the case has been registered on either side. He further submits that the defacto complainant's side has been granted with bail.

5.Considering the facts and circumstances of the case, the occurrence has taken place on account of celebrating Ramzan festival and the grant of bail to the other side, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.1, Nagercoil, Kanyakumari on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further conditions that:



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- i. The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioners shall appear before the respondent police as and when required by the respondent police. The petitioners shall co-operate for the investigation.
- iii. The petitioners shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioners shall be available for the trial as well.
- iv. On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-

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/07/2024

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

DSK



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TO

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- 1 THE JUDICIAL MAGISTRATE NO.I  
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE  
KANIYAKUMARI POLICE STATION, KANNIYAKUMARI,  
KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5338 of 2024

Date :24/06/2024

SS/JGB/SAR- /03/07/2024/6P/5C

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