



CRL OP(MD). No.7223 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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1.Sarbudheen @ Sarfudeen

2.Khaja Moithin @ Kathar Moidheen

... Petitioners/ Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
(Crime No.127 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.K.Srinivasaraghavan, Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.127 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) I.P.C., r/w Section 4 of TNPHW Act, in Crime No.127 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the second accused is the ex-President of the Jamat of Jannathe Noor Mosque and he misappropriated the funds of the said Mosque. When the same was questioned by the defacto complainant namely, Sowkath ali, there was a quarrel arose between them, consequent to the occurrence, the petitioners attacked the defacto complainant and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has already been discharged from the hospital. He would further submit that the counter case in Crime No.128 of 2024 has been registered against the defacto complainant.

5. Taking into consideration the facts and circumstances of the case and also the facts that the injured has already been discharged from the hospital and the counter case in Crime No.128 of 2024 against the defacto complainant, this Court is inclined



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to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 Additional Mahila Court, Trichy, 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 on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 petitioners are released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

TO

- 1 THE ADDITIONAL MAHILA JUDGE
TRICHY.
- 2 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.SRINIVASARAGHAVAN.K., Advocate (SR-5475[I] dated 16/05/2024)

ORDER
IN

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Date :15/05/2024

PKP/VR/SAR /22.05.2024/ 5P/5C

Madurai Bench of Madras High Court is issuing certified
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