



For Crl.O.P(MD)No.7998 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.7998 and 8353 of 2024

For Crl.O.P(MD)No.7998 of 2024

1. Mohamed Abuthahir @ Abuthahir

2. Nasir Hussain

3. Syed Abuthahir

4. Umar Ali

5. Mohamed Mahathir @ Mahathir

6. Nowfil Jaffar @ Nowful Jafir

7. Rasul Kani

8. Brosekhan @ Mohamed Brosekhan

9. Jahir @ Jaheesh

... Petitioners/ Accused Nos. 1 to 4, 6,7,10,11 & 14

Vs



For Crl.O.P(MD)No.7998 of 2024

The State represented by
The Inspector of Police,
R S Mangalam Police Station
Ramanathapuram District.
(Crime No. 128/2024).

... Respondent/Complainant

For Petitioner : Mr.Jainulabudheen. A, Advocate

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

For Intervenor : Mr.T.Veerakumar, Advocate

For Crl.O.P(MD)No.8353 of 2024

Faisal Azar @ Faisal Asar Ali

... Petitioner/ Accused No.9

Vs

The State represented by
The Inspector of Police,
R S Mangalam Police Station
Ramanathapuram District.
(Crime No. 128/2024).

... Respondent/Complainant

For Petitioner : Mr.B.Mahendrarajan, Advocate

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 128 of 2024 on the file of the respondent

police.

<https://www.mhc.tn.gov.in/judis>



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COMMON ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.128 of 2024, for the offence punishable under Sections 143, 341, 294(b), 427, 323, 324, 379, 109 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, have filed these petitions seeking anticipatory bail.

2.The case of the prosecution is that due to previous motive, the accused have attacked the defacto complainant and her brother, quarrelled with them and also abused them using filthy language. Hence the case.

3.The learned Counsels for the petitioners submits that the defacto complainant herein and his family members have attacked the Panchayat Secretary inside the Office of the Village Administrative Officer on 15.05.2024, for which, a case has been registered in Crime No.122 of 2024. After ten days, the defacto complainant herein and their party have also assaulted the sixth petitioner brutally, for which, another case has been registered against them. In order to get rid of all the cases, this case has been foisted against the petitioners herein. They further submit that the first

<https://www.mhc.tn.gov.in/judis>



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petitioner is the husband of the Panchayat President, third petitioner is the Panchayat President and the eighth petitioner is the councillor. They also claim that the injured was discharged from the hospital. Hence, they pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that twenty three persons were involved in this offence, out of which, eight persons were arrested and subsequently, they were released on bail by the Court of Sessions concerned.

5.The learned Counsel appearing for the intervenor submits that the motive for the occurrence arises out of the incident, which taken place on 15.04.2024. On the said date, when the Panchayat President attempted to lay a pipeline, the defacto complainant's mother, who is an age old lady, also a widow raised certain objections for laying pipeline in front of her house, for which, the third petitioner has abused her and also shown his private part to the widow lady. Therefore, she has lodged a complaint before the respondent Police Station. But, since on the influence of the Panchayat President and on the influence of the first accused, who is the husband of the Panchayat President and other political parties, the respondent police have



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registered a case in Crime No.122 of 2024 as against the defacto complainant and his brothers as if they have chased the Panchayat Secretary into the office of the Village Administrative Officer and also assaulted the Panchayat Secretary inside the office and they have caused damages to the doors of the Office of the Village Administrative Officer. However, the concerned Village Administrative Officer has not preferred any complaint and the defacto complainant herein and the family members have obtained anticipatory bail from this Court in CrI.O.P(MD)No.7348 of 2024, dated 22.05.2024. When they were on their way to furnish the sureties before the Judicial Magistrate concerned, the petitioners have surrounded the defacto complainant and others, brutally attacked them and caused damages to the car in the public road. On the information given by the public, they have been rescued by the Deputy Superintendent of Police, Thiruvadanai Sub Division and therefore, this case has been registered as against the petitioners.

6.Considering the above submissions, this Court is of the opinion that almost in all the places, the husbands of the Panchayat President act as the defacto panchayat President. The Government is also providing so much funds for the development of the villages. The Panchayat Presidents are very particular about utilizing the funds some how whether it is useful or not. It appears that while executing a contract



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work, since an age old lady raised serious objections, she was assaulted and also abused by showing private part. However, the respondent police has registered a case as against the defacto complainant herein and his family members and then they have obtained anticipatory bail from this Court. Thereafter, another case has been foisted as against the defacto complainant on 26.05.2024 by the seventh accused/sixth petitioner, who is the Officer Bearer of a political party, for which, the defacto complainant and others have obtained anticipatory bail. When the defacto complainant and others were proceeding to furnish sureties in pursuant of the order of this court, the petitioners herein have surrounded the car of the defacto complainant in the public road, behaved in such an unruly manner and also committed offences in the presence of the public. On the information from the public, the Deputy Superintendent of Police has intervened and therefore this case has been registered. Even now, only some of the accused have been secured and the defacto Panchayat President/first petitioner, Councillor/eighth petitioner, the office bearer/sixth petitioner and the Panchayat Secretary/third petitioner have not been arrested. The conduct of the respondent police also appears that the respondent police are not conducting the investigation properly. The case itself has been registered only at the instance of the Deputy Superintendent of Police. The Deputy Superintendent of police has also intervened since the incident has taken place in the



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public road that too, in the broad day light. This is how the conduct of the Panchayat President, Councillor and Secretary along with the other accused appears to be a threat to the public. It is a high handed attitude, which cannot be appreciated by granting anticipatory bail.

7.This Court is of the opinion that since the accused persons appear to be the persons from a political party, that too, from the Ruling Party, the investigation is not conducted properly. Therefore, the Superintendent of Police, Ramanathapuram District, is directed to entrust the investigation to an Officer in the rank of Deputy Superintendent of Police and also monitor the investigation to be done by the new investigation officer.

8.Considering the attitude of the petitioners towards the defacto complainant and his family members that too, in a public road, this Court is not inclined to grant any relief to the petitioners. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
21/06/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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LR

TO

- 1 THE INSPECTOR OF POLICE
R S MANGALAM POLICE STATION
RAMANATHAPURAM DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SUPERINTENDENT OF POLICE
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-6855[I] dated 24/06/2024)

+1 CC to M/s.K.YASAR ARAFATH, Advocate (SR-6858[I] dated 24/06/2024)

ORDER

IN

CRL OP(MD) No.7998 of 2024

Date :21/06/2024

PKP/GS/SAR /03.07.2024/ 8P/6C

Madurai Bench of Madras High Court is issuing certified
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