



CRL MP(MD). No.7678 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2024

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

**CRL OP(MD). Nos.10383 and 10387 of 2024
and
CRL MP(MD). No.7678 of 2024**

Crl.O.P(MD)No.10383 of 2024

Faisal Azar @ Faisal Asar Ali

... Petitioner/ Accused Rank No.9

Vs

**The Inspector of Police,
R.S Mangalam Police Station,
Ramanathapuram.
Cr.No.128/2024.**

... Respondent/Complainant

**For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
For Mr.Jinnah.S.M.A., Advocate**

**For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)**

For Intervenor : Mr.T.Veerakumar, Advocate



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Crl.O.P(MD)No.10387 of 2024

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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 Rank no.1,2,3,4,6,7,10,11 & 14

Vs

The Inspector of Police,
R.S Mangalam Police Station,
Ramanathapuram.
Cr.No.128/2024.

... Respondent/Complainant

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
For Mr.Jinnah.S.M.A., Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : Mr.T.Veerakumar, Advocate



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PETITION FOR ANTICIPATORY BAIL's Under Sec. 482 BNSS

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COMMON PRAYER :-

For Anticipatory Bail's in Crime No. 128/2024 on the file of the Respondent police.

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 TNPHW Act 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.Considering the manner, in which, the occurrence was taken place, this Court by a detailed order, dismissed the earlier application. This application has been filed on the ground that the petitioners are prepared to abide by any condition. Considering the fact that it is a dispute between the villagers, this Court in order to



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ensure that this incident should not occur in future, has suggested the learned Senior Counsel appearing for the petitioners to advice the parties and solve the issue amicably. This Court has also directed the parties to appear before the learned Senior Counsel appearing for the petitioners.

4.The learned Senior Counsel appearing for the petitioners has also taken some best efforts and amicably resolved the issue. On the instructions of the learned Senior Counsel, the parties have realized their mistake and they have come forward to close the cases, which are pending between them and filed an affidavit of undertaking that they will not indulge in any offence as against the defacto complainant. The defacto complainant has also agreed to solve the issue with the accused by withdrawing the complaint, which she has lodged. However, she is having apprehension that no further incident should occur.

5.The learned Senior Counsel appearing for the petitioners submits that the petitioners have also given an undertaking that in the event if any further incident took place, the case in Crime No.128 of 2024, pending on the file of the respondent police, may be re-opened. To that effect, an affidavit has also been filed by all the accused.



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6.The learned Senior Counsel appearing for the petitioners further submits that he has also advised the petitioners to pay a sum of Rs.4,00,000/- as compensation to the damages caused to the defacto complainant. As advised by him, the petitioners have also taken a Demand Draft for the same.

7.The learned Counsel appearing for the defacto complainant submits that the defacto complainant has refused to accept the said amount that she has not lodged the complaint for the purpose of money and she does not want any amount.

8.Since some efforts have been taken by the learned learned Senior Counsel appearing for the petitioners in order to solve the issue between the parties and on advising the accused, they have also come with a Demand Draft, this Court directs the defacto complainant to accept the Demand Draft as a compensation for the damages having caused in this case. The petitioners shall also file necessary application to quash the FIRs in Crime Nos.128 and 122 of 2024 on the file of the respondent police and in Crime No.19 of 2024. on the file of the Velayuthapattinam Police Station, Sivagangai District.



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9. Considering the development on the efforts taken by the learned Senior Counsel appearing for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

10. Accordingly, these Criminal Original Petitions are ordered. Consequently, the connected miscellaneous petition is closed. The petitioners are ordered to be released on bail in the event of their arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judicial Magistrate on condition that

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram.

(ii) 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;

(iii) The petitioners shall appear before the respondent police as and when required for interrogation. They have to co-operate for the investigation.



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(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

11.This Court places its appreciation to the learned Senior Counsel, who made the parties to settle the issue amicably.

12.For reporting compliance, post the matter on 06.09.2024.

sd/-
14/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
R.S MANGALAM POLICE STATION, RAMANATHAPURAM.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD). Nos.10383 and 10387 of 2024
and
CRL MP(MD). No.7678 of 2024
Date :14/08/2024

SS/VR/SAR- /24/08/2024/8P/5C

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