



CRL OP(MD). No.15078 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15078 of 2024

Rahamadullah

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Melavalavu Police Station,
Madurai District. Crime No. 174/2024.

... Respondent/ Respondent

Idris Khan

...Petitioner/ Intervene Petitioner/
Defacto Complainant
in CRL MP(MD)No.9493/2024

For Petitioner : Mr.P.Venkatesan,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

For Intervenor : Ms.P.Yasmin begum, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C



CRL OP(MD). No.15078 of 2024

PRAYER :-
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For Anticipatory Bail in Crime No. 174 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 118(1), 115(2) of BNS , 2023 in Crime.No.174 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner herein has attacked the defacto complainant and also abused him in filthy language. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the materials available on record.

4. The learned counsel for the intervenor would submit that the petitioner is repeatedly involving in disturbing the defacto complainant and the peaceful conduct of Jamath. The aim of the petitioner is only to see that the petitioner being a



CRL OP(MD). No.15078 of 2024

religious person their views should not be headed by any of the Jamathars.

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5. Considering the nature of allegations and considering the nature of injury and considering the fact that there are no bad antecedents against the petitioner, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



CRL OP(MD). No.15078 of 2024

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(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of four weeks and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner 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;

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

sd/-
11/09/2024

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/10/2024

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

TRP

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CRL OP(MD). No.15078 of 2024

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1. The Judicial Magistrate, Melur, Madurai District
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Melavalavu Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.VENKATESAN, Advocate (SR-11178[I] dated 11/09/2024)

+1 CC to M/s.P.YASMIN BEGUM, Advocate (SR-11288[I] dated 13/09/2024)

ORDER
IN

CRL OP(MD) No.15078 of 2024

Date :11/09/2024

RK/JGB (10/10/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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