



CRL OP(MD) No.22449 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22449 of 2024

1.Ali Akbar

2.Kamardeen

3.Mohamed Idhrish

... Petitioners / Accused No. 1 to 3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
South Gate Police Station, Madurai District.
(Crime No.422 of 2024)

... Respondent/Complainant

For Petitioners: Mr.A.Arun Ayyanar,
for Mr.J.M.Arvind Pawlraj
Advocate

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

Mr.D.S.Haroon Rasheed
for Intervenor

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS



CRL OP(MD) No.22449 of 2024

PRAYER :-

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For Anticipatory Bail in Crime No. 422 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 132, 218, 221 and 296(b) of BNS 2023, in Crime No.422 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the administrative officer and others belonging to the Waqf Board wanted to take over a pallivasal. When they went to the pallivasal, the accused persons are said to have prevented the officials from performing their official duty and abused them in filthy language and threatened them with dire consequences.

3. The learned counsel for the petitioner submitted that the officials belonging to the Waqf Board did not have any authority to take over the pallivasal since the matter is lis pendens before the Waqf Tribunal. In fact, this Court passed an order in CRP (PD) No.5235 of 2024 dated 18.12.2024 directing the Waqf Tribunal to pass orders on 20.12.2024. While so, the action was taken to take over the pallivasal.

4. The learned Government Advocate submitted that the officials were prevented by the petitioners and that insofar as the first petitioner, there are three previous cases, second petitioner has 11 previous cases and third petitioner does not



CRL OP(MD) No.22449 of 2024

have any previous case.

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5. The learned counsel for the intervenor submitted that the officials were prevented from doing their duty and that all steps were taken to take over the pallivasal.

6. Heard the learned counsel for the parties and perused the material records of the case.

7. Taking into consideration the facts and circumstances of the case and the pending dispute between the parties and considering the order passed by this Court in CRP (PD) No.5235 of 2024 dated 18.12.2024, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions .

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate NO.IV, Madurai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb



CRL OP(MD) No.22449 of 2024

WEB COPY

Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
19/12/2024

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/ 01 /2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD) No.22449 of 2024

TO சென்ட்ரல்

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1 THE JUDICIAL MAGISTRATE
NO.IV, MADURAI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.J.M.ARVIND PAWLRAJ, Advocate (SR-15708[I] dated 20/12/2024)

ORDER
IN

CRL OP(MD) No.22449 of 2024

Date :19/12/2024

PSP/ SKN /SAR /03.01.2025/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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