



CRL OP(MD). No.1061 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.1061 of 2025

1.Mohammed Ansar

2.Moideen @ Moideen Babu

... Petitioners/ Accused 1 & 2

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
South Gate Police Station,
Madurai City.
(Crime No.435 of 2024)

... Respondent/Complainant

For Petitioners : Mr.A.Arun Ayyanar, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 435 of 2024 on the file of the respondent police.



CRL OP(MD). No.1061 of 2025

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 329(3), 324(3), 305(e) and 132 of BNS, 2023, in Crime No.435 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the waqf board had taken control of the pallivasal and the office room was locked and sealed. However, the accused persons are said to have broken open the lock and seal and taken away the documents and also restrained the officials from performing their official duties.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case and considering the fact that there is already a pending dispute regarding the taking over of pallivasal before the waqf tribunal and in the light of the order passed by this Court in C.R.P.(PD).No.5235 of 2024 dated 17.12.2024 and also considering the earlier order passed by this Court in Crl.OP(MD).No.22449 of 2024 dated 19.12.2024 regarding yet another FIR that was registered for the same issue in Crime No.422 of 2024, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CRL OP(MD). No.1061 of 2025

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5. 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 on which the order copy made ready, before the learned Judicial Magistrate Court No.IV, Madurai, on condition that the petitioners 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 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 appear 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



CRL OP(MD). No.1061 of 2025

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/-
22/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To

- 1.The Judicial Magistrate No.IV,
Madurai.
- 2.Do through the Chief Judicial Magistrate,
Madurai District.
- 3.The Inspector of Police,
South Gate Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1061 of 2025
Date :22/01/2025



CRL OP(MD). No.1061 of 2025

ED/SKN /SAR- (10/02/2025) 5P / 5C

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