



CRL OP(MD).No.12518 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.12518 of 2025
and
CrI.M.P(MD)No.9772 of 2025

- 1.Zahir Ushen @ Jahir Hussain
- 2.Thangappa
- 3.Aniba @ Mohamed Anifa
- 4.Musak Manthiri @ Mushakmandhiri
- 5.Arabath @ Yasararafath
- 6.Raja @ Ajmeer Raja

.. Petitioners/ Accused Nos.1 to 5 & 7

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Bodinayakkanur Town Police Station,
Theni.
(Crime No.231 of 2025)

.. Respondent/ Complainant

For Petitioners : Mr.K.Prakash,
Advocate



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For Respondent : Mr.S.Prakash
Government Advocate
(Criminal Side)

For Intervenor : Mr.Chamundi Bose,
Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.231 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5 & A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 296(b), 115(2) and 351(3) of BNS, in Crime No.231 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.07.2025 at about 01.50 p.m., the defacto complainant went to Bodinayakkanur Mohaideen Andavar Periya Pallivasal for Namaz (Prayer), after the prayer, the defacto complainant stand in front of the Jammarthars, at that time, the accused persons entered into wordy quarrel with the defacto complainant and also attacked him with hands and legs. One Yahoop was covered the said incident by cell phone and hence, the second accused snatching the



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cell phone from him and abused him in filthy language and also attacked him.

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Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He further submitted that the second petitioner is the Mutavalli in the above said Jamaat from the year 2015 and he has arranged the meeting for electing the administrator in future. The defacto complainant and his supporters entered into create the problems in the above said Jammat. When the second petitioner is tried to solve the issue, the defacto complainant and his supporters did not accept the same, there arose wordy quarrel between them and hence, the defacto complainant and others abused the petitioners and also attacked them. Due to which, a case in crime No.238 of 2025 has been registered against the defacto complainant.

4. The learned Government Advocate (Criminal Side) submitted that there existed dispute between the parties with regard to the Jamaat Administration. Due to which, the petitioners abused the defacto complainant in filthy language and also attacked them. He further submitted that nobody sustained injuries and the counter case in Crime No.238 of 2025 has been registered against the defacto complainant.



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5.The learned counsel appearing for the intervenor submitted that the defacto complainant is aged about 72 yeas, without considering the age of the defacto complainant, the petitioners abused him and also attacked him. He further submitted that if this petition is allowed, they will tamper and destroy the evidences involved in this case. Hence, she opposed to grant anticipatory bail to these petitioners.

6. Considering the facts and circumstances of the case and also the fact that no one was sustained injury and the counter case in Crime No.238 of 2025 is pending and also taking note of the fact that the occurrence had taken place on 18.07.2025, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory 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 learned Judicial Magistrate, Bodinayakkanur, Theni District, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each



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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 Judicial Magistrate, Bodinayakkanur, Theni District, and on further conditions 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;

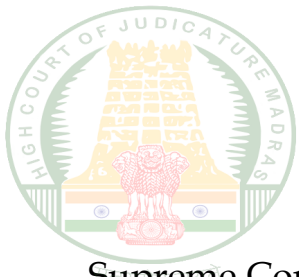
(b) the petitioners shall furnish their residential address and contact number to the learned Judicial Magistrate, Bodinayakkanur, Theni District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Bodinayakkanur, Theni District,;

(c) the petitioners are directed to report before the Theni Allinagaram Police Station, daily at 10.30 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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



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Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

sd/-
28/07/2025

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/08/2025

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

das

TO

- 1.The Judicial Magistrate,
Bodinayakkanur, Theni District.
2. Do through The Chief Judicial Magistrate
Theni District.
- 3.The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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



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The Inspector of Police
Theni Allinagaram Police Station,
Theni District.

+1 CC to M/s.K.PRAKASH, Advocate (SR-8098[I] dated 29/07/2025)

+1 CC to M/s.M/S.CHAMUNDI BOSE, Advocate (SR-8118[I] dated 29/07/2025)

ORDER
IN

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Date :28/07/2025

PR/20.08.2025 7P/8C

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