



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

Friday, the Twenty Seventh day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.1875 of 2015

NAZEER

... PETITIONER/ACCUSED -7

Vs

THE INSPECTOR OF POLICE

KOTTAR POLICE STATION, KANYAKUARI DISTRICT.

CR. NO.6/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.M.A.JINNAH Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate ( Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested for the offences punishable under Sections 341, 294(b), 307 and 506(ii) IPC @ 341, 294(b), 307, 506(ii), 120(B) & 153(A) IPC in Cr.No.6 of 2015 on the file of the respondent police, seeks bail.

2. Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner and Mr.A.P.Balasubramanian, learned Government Advocate [crl.side] appearing for the State.

3. The respondent has filed the Status Report and in paragraph 3, it is stated as follows:

"3. It is respectfully submitted that the de facto complainant preferred a complaint by stating that on 02.01.2015 at about 8.30 hours when he was travelling in his two wheeler and while approaching Sudalaimadan Kovil, Lalavilai, he was accosted by three persons coming by two wheeler and subjected to abusive filthy words and he was attacked with an iron rod and after threatening of dire consequences took to their heels. In this connection, a case in Crime No.6/2015 under Section 341, 294(b), 307, 506(ii) @ under Section 147, 148, 341, 294(b), 307, 506(ii), 120(b), 153(A) IPC was registered and since investigation disclosed active participation of the accused in the criminal act perpetrated out of the conspiracy entered into by accused, the petitioner herein was arrayed as accused and arrested on 08.01.2015 produced before the Jurisdiction Magistrate who sent to judicial custody.

The investigation is pending."

4. The learned counsel for the petitioner submits that this petitioner was taken into illegal custody by the police on 13.12.2014 in connection with Cr.No.1053 of 2014. He also filed a typed set of papers showing the various representations, given by the petitioner against the Police to Human Rights Commission and other authorities. It is seen that when this petitioner was in jail, a typed representation has been prepared by his counsel and signature has been obtained from him in the jail in the presence of Additional Superintendent of Police and sent to various authorities. Thus it is seen that this representation has legal backing. Be that as it may, the injured has been discharged from the hospital and this petitioner was remanded on 05.01.2015 and he is in incarceration since then. Under such circumstances, this Court is of the view that this is a fit case to grant bail.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one of whom must be parent, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil and on further condition that:

[a] the petitioner shall stay at Madurai and report before the Thallakulam Police Station daily morning at 10.30 a.m. and evening at 6.00 p.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-  
27/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE, KOTTAR POLICE STATION, KANYAKUARI DISTRICT.
4. THE INSPECTOR OF POLICE, THALLKULAM POLICE STATION, MADURAI.
5. THE SUPERINTENDENT, CENTRAL PRISON, PALAYANKOTTAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No. 9413