



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

Friday, the Thirteenth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1108 of 2015

WEB COPY

1 N. ASARAF ALI
2 B. ALTAF

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI, CR.NO.328/2014

... RESPONDENT/COMPLAINANT

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

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

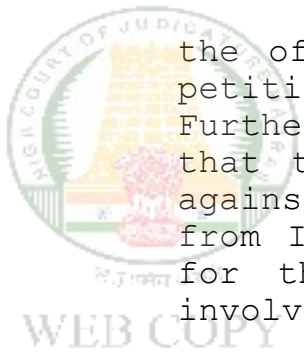
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 307 IPC and 4 of TNPWH Act, in Crime No.328 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. Respondent Police have filed a status report, in which they have stated that one Rajaram, who belongs to the Hindu Community, got married to one Sameera Banu, who belongs to Muslim Community. On 11.04.2014, when Rajaram's wife was standing outside the house, two persons came in a Motor Cycle and attempted to kill her by saying that she had brought disgrace to them and caused injuries on her. On hearing her cries, Rajaram and others went to her rescue and two persons escaped after inflicting injuries on Sameera Banu. In connection with this, Police arrested one Nasir and in his confession statement, he has implicated these petitioners.

4. In Paragraph No.4 of the counter, it is stated as follows:

"4. It is humbly submitted that on 13.12.2014 the respondent police arrested the Accused No.1 namely Naseer and obtained confession statement of the Accused No.1 and produced before the concerned Judicial Magistrate. Further the confession statement of the accused No.1 clearly proved



the offence committed by him and other accused persons / petitioners herein. Accused No.2 / petitioner herein. Further the Accused No.1 stated in his confession statement that they take revenge against the persons who have act against the Islam Community, the people who have converted from Islam, and also they collected money from the public for the purpose of defend the Muslim people who have involved in the criminal offence."

5. Learned counsel for the petitioners submitted that the very arrest of Nasir is illegal and he has been fixed by Police for no fault of his. In this regard, learned counsel for the petitioners took me through various representations that were filed by Nasir making allegations against Police Officials. It is also represented that Nasir's wife has also filed a writ petition in W.P.(MD) No.19646 of 2013 for a Mandamus to direct the Government to take appropriate action against certain Police officers. Learned counsel for the petitioners also brought to my notice that Nasir himself has filed a writ petition in W.P.(MD) No.17737 of 2014 against Police Officials for a Mandamus directing that action be taken against some of them. He further brought to my notice a representation dated 22.12.2014 sent by Nasir from the Central Prison, Palayamkottai, wherein he has made allegations against Police Officers.

6. The said representation dated 22.12.2014 has been typewritten and it bears the date as 20.12.2014. In the said representation, in each page, an "x" mark has been made, signifying that the sender, namely Nasir, should sign in those places. After the typewritten matter, it is handwritten in Tamil that this representation has been prepared by the Advocate on the instructions of Nasir. The Superintendent of Prison has counter signed the same. Thus, it appears that the representation has been given with due legal advice and therefore, much reliance cannot be placed on that. As regards the previous cases pending against these petitioners, Police in their counter have given five previous cases against the 2nd petitioner and one previous case against the 1st petitioner.

7. Taking into consideration the serious nature of allegations against these petitioners, this Court is not inclined to grant anticipatory bail to these petitioners. Hence, the Criminal Original Petition is dismissed.

sd/-
13/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE KOTTAR POLICE STATION, KANYAKUMARI, 14
2 THE ADDL.PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.7060

ORDER IN

CRL OP(MD) No.1108 of 2015

Date :13/02/2015