



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

Friday, the Thirty First day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.12635 and 12636 of 2015

ABBAS @ ABBAS MYDEEN

..PETITIONER/ACCUSED
IN CRL OP(MD)No.12635 OF 2015

ABBAS @ ABBAS MYDEEN
MUBARAK @ POOCHI

..PETITIONER/ACCUSED 1 AND 2
IN CRL OP(MD)No.12636 OF 2015

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
SID., C.B.C.I.D., TRICHY,
CAMP AT MADURAI

... RESPONDENT / COMPLAINANT
in CRL OP(MD)No.12635 of 2015

STATE REP.BY
THE INSPECTOR OF POLICE
SID., C.B.C.I.D.,
MADURAI DISTRICT

... RESPONDENT / COMPLAINANT
in CRL OP(MD)No.12636 of 2015

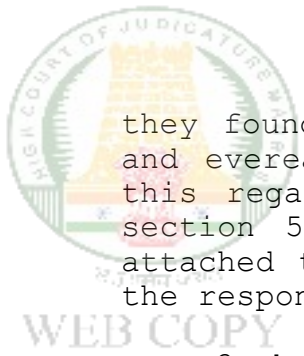
For Petitioner
in Both the Petitions : M/S.S.M.A.JINNAH Advocate

For Respondent
in Both the Petitions : MR.K.V.RAJARAJAN,
Govt. Advocate (Crl. Side)

PETITIONS FOR BAIL Under Sec. 439 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner in Crl.O.P(MD)No.12635 of 2015, who is arrayed as an accused and the petitioners in Crl.O.P(MD)No.12636 of 2015, who are arrayed as A1 and A2 were arrested through P.T Warrant on 15.05.2015 for the alleged offence punishable under section 5 of Explosives Substance Act, 1908, in Crime No.1 of 2015 and for the alleged offence punishable under section 307 of IPC r/w sections 4 and 5 of Explosive Substance Act, 1908, in Crime No.3 of 2015 on the file of the respondents police and hence, seek bail respectively.

2.The case of the prosecution in Crl.O.P(MD)No.12635 of 2015 is
https://hcservices.ecourts.gov.in/hcservices/ 11.07.2011 at 8.45 p.m, one R.Narayanasamy, who was working
as Supervisor in the TASMAL Bar, situated opposite to Mattuthavani
Bus Stand was talking with one Subramani, heard a sound and later,



they found the Dustbin plastic box was broken and pieces of papers and eveready battery with wire, time piece dial on the floor. In this regard, a case was registered in Crime No.788 of 2011 under section 5 of Explosive Substance Act, by the Inspector of Police attached to K.Pudur Police station and later, it was transferred to the respondent and re-registered as Crime No.1 of 2015.

3.The case of the prosecution in CrI.O.P(MD)No.12636 of 2015 is that on 07.12.2011, the Sub Inspector of Police, attached to Melur Police station on secrete information conducted search nearby Srilankan Refugees Camp at Thiruvathavur along with two Head constables, namely Kannan and Palaniyappan, seized a parcel and on enquiry, it came to light that on 07.12.2011 at about 07.35 hours, a parcel with suspicious electronic material was found below the last seat in the Government Bus bearing registration No.TN58-N-1644 and the driver and the conductor of the bus handed over the parcel to one Nishanth of Srilankan Refugees Camp to throw out the parcel at Chithalangan tank. In this regard, a case stands registered in Crime No.757 of 2011 under section 307 of IPC and sections 4 and 5 of Explosive Substance Act, by the Melur Police and subsequently, it was transferred to the respondent police and the same was re-registered as Crime No.3 of 2015.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have falsely implicated in these cases; that the occurrences are said to have been taken place in the year 2011 and immediately a special team was constituted to investigate the unsolved bomb cases happened in the year 2011 and subsequently, a team led by Mr.Balakrishnan, Superintendent of Police, Madurai District, sent two letters in the year 2013 to the Director General of Police and the Additional Director General of Police alleging that the special investigation was not going in a right direction and one Vijayperumal, Head constable was having close relationship with the police informers and they have extorting money from the innocent Muslim people. It is further contended that two writ petitions were filed before this court in W.P.(MD)Nos.8792 of 2013 and 4711 of 2014 by one Mujibur Rahman and Mr.Syed Abdul Kather, who is an Advocate for transfer of the investigation to CBCID, where the respondent police are objecting.

5.It is further submitted that the petitioners were arrested in an another case and later, they were implicated in these cases and in that case, they were granted bail by the Sessions Court, Sivagangai in CrI.M.P.No.1772 of 2015. The learned counsel further submitted that the petitioners are in judicial custody for more than 150 days and in both the cases, no one has sustained any injury and there is no eye witness to the occurrence and based on the confession of the co-accused, the petitioners were implicated in these cases and hence, they may be released on bail.

6.The learned Government Advocate (Criminal side) opposed the bail petitions by filing counter stating that the accused have involved in three other cases of similar nature and they have planted bombs in TASMAR Bar situated opposite to Mattuthavani Bus stand at Melur and the petitioners along with the co-accused planted time bomb in a Government Bus bearing registration No.TN-58-N-1644, for which a case stands registered in Crime No.3 of 2015.



7. Considering the facts that the occurrence had taken place in the year 2011, no one sustained any injury and there is no eye witness to the alleged occurrence, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail, on their executing 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 learned Judicial Magistrate No.IV, Madurai and on further condition that the petitioners shall appear before the respondent police twice a day at 10.00 a.m and 05.00 p.m until further orders.

sd/-
31/07/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.IV
MADURAI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

5 THE INSPECTOR OF POLICE
SID., CBCID., TRICHY, CAMP AT MADURAI.

6 THE INSPECTOR OF POLICE,
SID., C.B.C.I.D., MADURAI DISTRICT.

+2. CC to M/S.S.M.A.JINNAH Advocate SR.Nos.42909 and 42910

Akm/31.07.15 /3p-9c/

ORDER
IN
CRL OP (MD) Nos.12635 and 12636 of 2015
Date :31/07/2015