



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

Thursday, the Twenty Seventh day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mrs.Justice S.VIMALA

CRL OP(MD) Nos.14504 and 16586 of 2015

A.H.MOHAMMED ANSAR

... PETITIONER / ACCUSED NO.8 IN CRL OP(MD)NO.14504/2015

A.MOHAMED NIZAR

... PETITIONER / ACCUSED NO.11 IN CRL OP(MD)NO.16586/2015

Vs

1.THE STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
OCU CBCID, TIRUNELVELI CITY POLICE STATION,
CRIME NO.1/2013

... RESPONDENT/ COMPLAINANT IN CRL OP(MD)NO.14504/2015

2.THE STATE REP.BY

THE INSPECTOR OF POLICE,
CBCID, TIRUNELVELI CITY,
(CRIME NO.1 OF 2013)

.. RESPONDENT/ COMPLAINANT IN CRL OP(MD)NO.16586/2015

For Petitioner : M/S.M.SEENISULTHAN Advocate
IN CRL OP(MD)NO.14504/2015

For petitioner : M/S.T.LAJAPATHIROY, ADVOCATE
IN CRL OP(MD)NO.16586/2015

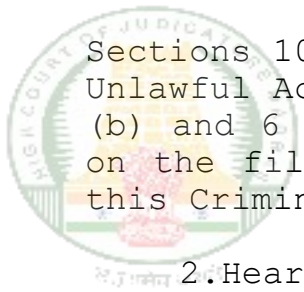
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)
IN BOTH THE CASES.

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.(MD)No.14504 of 2015 is in judicial custody from 14.08.2013 in respect of the alleged offence under Sections 153(A), 109, 120(B) and 307 of IPC r/w Section 5 of Indian Explosive Substance Act, 1908, Sections 16, 17 and 18 of the Indian Unlawful Activities (Prevention) Act, 1967 and Section 25(1-B)(a) of Arms Act, 1959 in Crime No.1 of 2013 on the file of the respondent Police and he has come forward with this Criminal Original petition seeking bail.

2.The petitioner in Crl.O.P.(MD)No.16586 of 2015 is in judicial custody from 21.08.2013 in respect of the alleged offence under



Sections 109, 120(b) and 153-A IPC, Sections 16 and 18 of the Indian Unlawful Activities (Prevention) Act, 1967 and Section 4(i) r/w (a), (b) and 6 of Explosives Substances Act, 1908 in Crime No.1 of 2013 on the file of the respondent Police and he has come forward with this Criminal Original petition seeking bail.

2. Heard both sides.

3. It is a case where after filing of the final report, the respondent Police have taken up for further investigation based upon 173(8) Cr.P.C. Therefore, there is no possibility of directing the Trial Court to complete the trial itself.

4. The learned counsel appearing for the petitioners are relying upon the earlier bail order dated 25.07.2014, 06.03.2015 and 03.07.2015, by which, the co accused have been ordered to be released on bail.

5. The learned Government Advocate (Crl.side) appearing for the respondent Police opposes the bail strongly on the ground that there are specific overtact as against these accused persons.

6. It is not explained as to how the allegations are so serious than that of the other accused persons, who have been released on bail. Therefore, there is no justification to refuse bail when the similarly coaccused have been already released on bail. Therefore, these accused are also ordered to be released on bail subject to the following conditions:

(a) Each petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli;

(b) the petitioners shall report before the respondent Police daily at 6.00 pm., until further orders;

(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; and

(e) In the event of any violation of the above conditions, the respondent / Police is at liberty to move application for cancellation of bail.

sd/-
27/08/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. I
TIRUNELVELI.

2. THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
OCU CBCID, TIRUNELVELI CITY POLICE STATION.

5. THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.

6. THE INSPECTOR OF POLICE,
CBCID, TIRUNELVELI CITY,

+1. CC to M/S.M. SEENISULTHAN Advocate SR.No.49425

+1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE SR NO.49624

ORDER

IN

CRL OP (MD) Nos.14504 and 16586 of 2015
Date : 27/08/2015

rg.27.08.2015 3p/9c.