



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.1804 of 2015

NAZEER,

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE

KOTTAR POLICE STATION, MADURAI

(IN CRIME NO.328/2014)

... 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 on 13.12.2014 for the offences punishable under Section 307 IPC and Section 4 of TNPW Harassment Act in Cr.No.328 of 2014 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. It is the case of the prosecution that the victim in this case, Sameera Banu, a Muslim by birth, fell in love with the de facto complainant, a Hindu and they both got married. On 11.04.2014, when Sameera Banu was standing outside her house, she was attacked by two persons with sickles and she was seriously injured. According to the prosecution, the attackers belong to Muslim community and aggrieved over Sameera Banu's conversion to Hinduism, this attack was made.

4. The learned counsel for the petitioner submits that the injured has been discharged from the hospital and that the petitioner has been in incarceration since 13.12.2014, pursuant to his arrest in another case in Crime No.1053 of 2014 in which he was granted bail by the Court below.

5. It is true that the petitioner is involved in another case in Cr.No.6 of 2015, in which this Court has granted bail to this petitioner in Crl.O.P. No.1875 of 2015. Taking into consideration, the fact that the petitioner has been in jail since 13.12.2014, this Court is inclined to grant bail.

6. 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) <https://hsevids.courts.gov.in/sevids/>, 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 at 10.30 a.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,
KANYAKUAMRI AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYANKOTTAI.
4. THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, MADURAI.
5. THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No. 9412

SR : 02.03.2015 : 2P/8C

ORDER
IN
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Date :27/02/2015