



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.2006 of 2015

M.MAHEEN

... PETITIONER/ACCUSED-1

Vs

THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.6 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY 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 :-

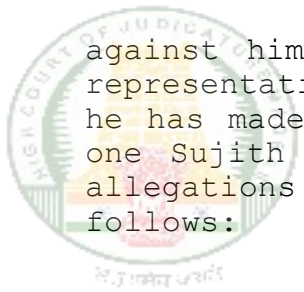
The petitioner, who was arrested on 08.01.2015 for the offences punishable under Sections 341, 294(b), 307, 506(ii), 120(b) and 153(A) of IPC in Cr.No.6 of 2015 on the file of the respondent police, seeks bail.

2. Heard Mr.T.Lajapathi Roy, 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."

<https://hcservices.courts.gdn/hcservices> learned counsel for the petitioner submits that this petitioner was taken into illegal custody by the police much earlier to the alleged date of arrest and thereafter, a false case has been foisted



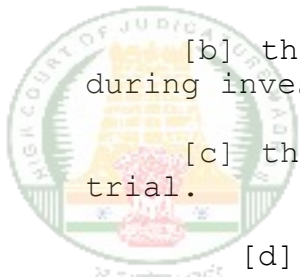
against him. In this regard, the learned counsel took me through the representations given by the petitioner to various authorities in which he has made allegations against the respondent police especially against one Sujith Anand, Sub Inspect of Police. The police have refuted the allegations and in paragraph 6 of the counter, they have stated as follows:

"6. It is most humbly submitted that as per the settled law, the antecedents of the applicant as well as the accused has to be taken into consideration. The complainant has no earthly reason to implicate the petitioner/accused herein. On the other hand the petitioner/accused herein has a unique criminal track record of involving himself in the activities of Indian Dowheeth Jamath, a fundamentalist organization wedded to undertake holy jihad in the name of religion. The district Kaniyakumari located on the fringe of south corner of the country is a communally sensitive district where even a small ember is sufficient to ignite mass conflagration affecting public peace and tranquillity and hence intense surveillance is being maintained and all those persons involved in crime connected with religion are closely watched and monitored and hence to deter the police from closely watching the movement, the petitioner/accused had resorted to send several representations against the respondent police as well as instituting several cases before this Hon'ble Court and at the same time continued undeterred with their criminal activities. Insofar the present case is concerned the investigation has just commenced and that the petitioner/accused has sufficient money and muscle power and hence there is every possibility of him tampering with the witnesses and evidences if he is enlarged on bail. It is also absolutely necessary that all the participants are secured, subjected to custodial interrogation to establish the nexus in the crime committed in the name of religions and hence the present petition seeking bail may be rejected in the interest of justice."

5. This Court perused the Remand Report and the endorsement made thereon by the Magistrate when this petitioner was arrested and produced before him for remand. The Magistrate has stated that there is no complaint against police. Be that as it may, the injured has been discharged from the hospital and this petitioner is in incarceration since 08.01.2015 and under such circumstances, this Court is of the view that this is a fit case 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) 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



[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, KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE, THALLKULAM POLICE STATION, MADURAI.
5. THE INCHARGE, SUB JAIL, NAGERCOIL AT KANYAKUMARI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No. 9254

SR : 02.03.2015 : 3P/8C

ORDER
IN
CRL OP(MD) No.2006 of 2015
Date :27/02/2015