



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

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.24085 of 2015

PRABHU @ HAMSA @ ABDUL AGEESH

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOTTAR REP.BY PUBLIC PROSECUTOR,
NAGERCOIL,
KANYAKUMARI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.MOHAMED HANEEF Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

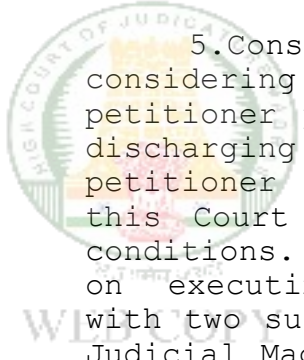
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, in Crime No.823 of 2015 on the file of the respondent police, was arrested on 24.11.2015 for the alleged offences punishable under Sections 353 and 506(i) of I.P.C., and hence, seeks bail.

2. The case of the prosecution is that the petitioner is an accused in Crime No.149 of 2013 and on 24.11.2015. While attending the Court proceedings before the Chief Judicial Magistrate Court, Nagercoil, the petitioner took video and photograph of the witnesses, who gave evidence in that case, in the Court hall. When the same was questioned by the de-facto complainant, the Inspector of Police, the petitioner prevented him from discharging his duty and on his complaint, a case was registered against the petitioner.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. It is further submitted that the petitioner is a Co-Secretary of TNDJ Muslim party and he did not take any photograph and his cell-phone also seized by the respondent police. It is further submitted that due to political and religious issue, a false complaint has been given against the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the petitioner while attending the Court proceeding,s taken video and photograph of the witnesses, who gave evidence in the Court, in his cell-
same was questioned by the de-facto complainant, the petitioner prevented the de-facto complainant from discharging his duty and the investigation is pending.



5. Considering the facts and circumstances of the case and also considering the charges levelled against the petitioner is that the petitioner prevented the de-facto complainant, Inspector of Police from discharging his official duty and the cell-phone seized from the petitioner and the petitioner is in judicial custody from 24.11.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on 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.II, Nagercoil, Kanyakumari District and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-

17/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.11
NAGERCOIL AT KANYAKUMARI DISTRICT.

2 DO THRO THE CHEIF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT

3 THE OFFICER INCHARGE,
DISTRICT JAIL
NAGERCOIL

4 THE INSPECTOR OF POLICE
KOTTAR REP.BY PUBLIC PROSECUTOR, NAGERCOIL,
KANYAKUMARI DISTRICT

5 THE ADDITIOANL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.MOHAMED HANEEF Advocate SR.No.72364.

ORDER

IN

CRL OP(MD) No.24085 of 2015

Date :17/12/2015

AM/17.12.2015/SK.SKN/SAR-II/2P/7C