



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fifth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4140 of 2015

1 ABILASH

2 HAKEEM

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

NITHIRAVILAI POLICE STATION,

KANYAKUMARI DISTRICT.

CR. NO.78/2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.MUTHUSARAVANAN, for Mr.B.THANGA ARAVINDH Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 03.03.2015 for the offences punishable under Sections 147, 148, 294 (b), 506(ii) IPC in Crime No.78 of 2015 on the file of the respondent police, seek bail.

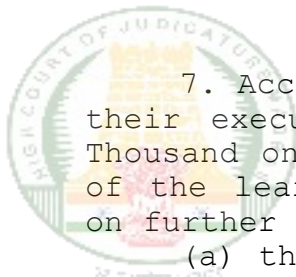
2. It is represented by the learned counsel for the petitioners that the defacto complainant in this case in an Advocate attached to Kuzhithurai Bar Association and the local Bar has passed a resolution stating that no Advocate should appear for the petitioners/accused. Therefore, a special mention was made yesterday seeking permission from this court to move bail application without first moving the trial court.

3. In view of the reasons given by the learned counsel for the petitioners, this court granted permission to move this bail application today.

4. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl.side) for the state.

5. The learned Government Advocate(Crl.side) would submit that it is a case in counter and the counter case is in Crime No.78 of 2015. He would further submit that no-one sustained injury in this case.

6. Considering the above said facts., I am inclined to grant bail to the petitioners. [Since the F.I.R is pending before the learned Judicial Magistrate No.II, Kuzhithurai, Kanniyakumari District, the petitioners are permitted to furnish sureties to the satisfaction of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and the learned Judicial Magistrate, Valliyoor after accepting the bail bonds shall keep a photo copy of the same in file and transmit the original records to the learned Judicial Magistrate No.II, Kuzhithurai, Kanniyakumari District].



7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Valliyoor, Tirunelveli District and on further condition that,

(a) the petitioners shall report before the respondent police as and when required for interrogation.

(b) the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 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/-

05/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI, KANYAKUMARI DISTRICT.

4 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI.

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

6 THE INSPECTOR OF POLICE, NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

7 THE OFFICER INCHARGE, SUB JAIL, KUZHITHURAI, KANYAKUMARI DISTRICT.

+1. CC to M/S.B.THANGA ARAVINDH Advocate SR.No.10437

ORDER IN

CRL OP(MD) No.4140 of 2015

Date :05/03/2015

PBK 05/03/2015 ::2P-9C: (IT)