



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

Tuesday, the Fifth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.24958 of 2015

WEB COPY

1 MOHAMED YASAR ARAFATH
2 JAHIR HUSSAIN
3 JAKUBAR SATHIK
4 AHAMED ALI
5 AL AMIN

..PETITIONERS/ACCUSED 1 TO 5

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMNAD.
(IN CRIME NO. 462/2015)

..RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.M.A .JINNAH Advocate
For Respondent : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.
ORDER : The Court Made the following order :-

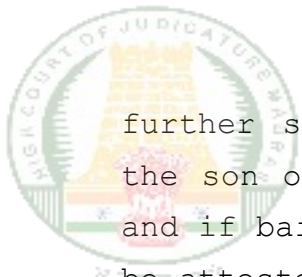
The petitioners, who are arrayed as A1 to A5, in Crime No.462 of 2015 on the file of the respondent police and the first petitioner was arrested on 24.10.2015 and the other petitioners were surrendered before the learned Judicial Magistrate No.II, Madurai on 30.10.2015 for the alleged offences punishable under Sections 147, 148 and 307 @ 302 of I.P.C., and hence, seek bail.

2. The case of the prosecution is that on 22.10.2015 the petitioners and other accused attacked the son of the de-facto complainant and his friend with wooden-log and the son of the de-facto complainant died and other person admitted in the hospital and on his complaint, the case has been registered for offences under Sections 147, 148 and 307 @ 302 of I.P.C.

3.The case of the petitioners is that the petitioners are innocent and they have not committed the offence as alleged by the prosecution. The deceased had number of cases at various places and due to enmity with many persons, he was murdered.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate (Crl.side) submitted that there is a specific overt act attributed against A4 and A5. He



further submitted that the petitioners and other accused assaulted the son of the de-facto complainant and his friend and caused death and if bail is granted, they will abscond and other accused is yet to be attested and a special team is formed to arrest the co-accused.

5. Considering the gravity of offences and the contention of the learned Government Advocate (Crl.side) that there is a specific overt act attributed against A4 and A5 and other accused A6 to A12 are yet to be apprehended, this Court is not inclined to grant bail to the petitioners No.4 and 5/A4 and A5. **Hence this petition is dismissed against the petitioners No.4 and 5/A4 and A5.** However, this Court is inclined to grant bail to the petitioners No.1 to 3/A1 to A3 with certain conditions. Accordingly, the petitioners No.1 to 3/A1 to A3 are ordered to be released on bail on their 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, Ramnad and on further condition that the petitioners No.1 to 3/A1 to A3 shall appear before the respondent police daily at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-
05/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMNAD.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER-IN-CHARGE, SUB-JAIL, RAMANATHAPURAM.
- 5 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMNAD.

+1. CC to M/S S.M.A .JINNAH Advocate SR.No.299

akm/05.01.2016/2p-7c/GSV/AN/SAR-I

ORDER
IN
CRL OP(MD) No.24958 of 2015
Date :05/01/2016