



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

Friday, the Tenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.1523 of 2017

1 NAZRUDEEN @ NAZARAI

2 MOHAMED MALIK ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY THE
THE SUB INSPECTOR OF POLICE ,
SUCHINDRAM POLICE STATION,
KANYAKUMARI
(CRIME NO.11/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.A.JINNAH Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

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

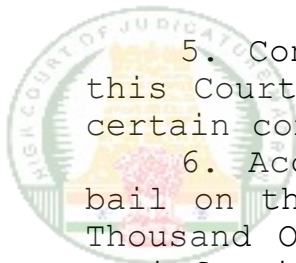
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 21.01.2017 and 20.01.2017 respectively, for the offences punishable under Sections 341, 294(b), 323 and 506(ii) of IPC., and Section 3(1) of TNPPDL Act, in Crime No.11 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to political motive, the accused along with other accused attacked the defacto complainant's vehicle with iron rod and caused damage worth about to Rs.5000/-.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence, as alleged by the prosecution and they have been falsely implicated in this case. He also submitted that the alleged occurrence took place on 13.01.2017, but the case was registered only on 19.01.2017 and no reason is given for the delay. He would further submit that the petitioners are preparing to deposit a sum of Rs.5,000/- without prejudice to their contention.

4. The learned Government Advocate (crl.side) appearing for the respondent submitted that the petitioner along with other accused attacked the defacto complainant's vehicle with iron rod and caused damage worth about to Rs.5000/-. He would further submit that the injured has been discharged from the hospital.



5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil and on further condition that:

[a] the petitioners shall report before the Annanagar Police Station, Madurai, daily at 10.30 a.m., until further orders, 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 petitioner 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/-
10/02/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL, KANYAKUMAR DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL. KANYAKUMARI DISTRICT.
 - 3 OFFICER IN CHARGE,
THE DISTRICT JAIL, NAGERCOIL.
 - 4 THE SUB INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION, KANYAKUMARI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.M.A.JINNAH Advocate SR.No.7523

ORDER
IN
CRL OP(MD) No.1523 of 2017
Date :10/02/2017