



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

Wednesday, the Twenty Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CRL OP(MD) No.5878 of 2017

A.NAZEER

... PETITIONER/ACCUSED NO.I

Vs

STATE THROUGH  
THE INSPECTOR OF POLICE  
KOTTAR POLICE STATION,  
NAGERCOIL,  
KANYAKUMARI DISTRICT  
CRIME NO. 328/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.CHANDRA MOHAN Advocate

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

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

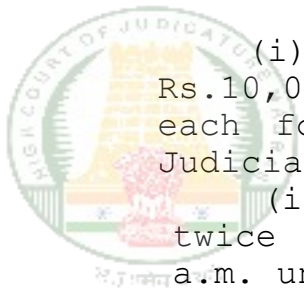
ORDER : The Court Made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 20.10.2016 for the offence punishable under Section 307 of I.P.C. and 4 of TNPHW Act @ 153A, 307 IPC and section 4 of TNPHW Act @ 153-A(1)(a), 307, 109, 114 IPC and section 4 of TNPHW Act, in Crime No.328 of 2014 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner would submit that the accused is innocent and he has not committed any offence as alleged by the prosecution and he is in custody for more than six months and hence he may be released on bail. He would further submits that the petitioner was already arrested and released on bail by this Court in Crl.O.P No.1804 of 2015, dated 27.02.2015 and he was not able to appear before the Trial Court for hearing, NBW was issued against the petitioner and arrested under PT warrant.

3. The learned Government Advocate (Criminal side) would submit that the defacto complainant and the victim namely Sameera Banu fell in love. Both belong to different religion and they got married. On 11.4.2014 at about 7.00 a.m. at the instigation of the petitioner, two unknown persons attacked the victim by Aruval and caused severe injuries to the victim.

4. Considering the facts and circumstances of the case, this Court grants bail to the petitioner subject to the following conditions:



(i) the petitioner shall execute 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.

(ii) the petitioner shall report before the trial Court twice in a week i.e., on every Monday and Friday at 10.30 a.m. until further orders.

(iii) The petitioner shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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/-

24/05/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,  
KOTTAR POLICE STATION, NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S.P.CHANDRA MOHAN Advocate SR.No.22771  
AKV/RM  
CSL/PN/SAR-III/25.05.2017 : 2P/7C

ORDER  
IN  
CRL OP(MD) No.5878 of 2017  
Date : 24/05/2017