



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

Thursday, the Thirteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.7267 of 2017

1 K.MOHAMED ALILAL
2 MOHAMMED FAROOK

... PETITIONER/ ACCUSED 1 & 2

Vs

THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO. 426/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.MOHAMED HANEEF Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

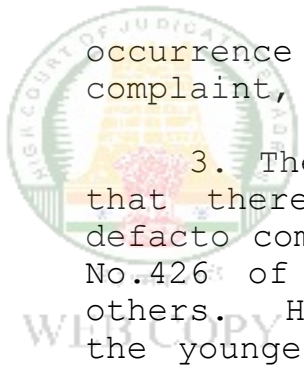
For Intervenor : M/S.P.MANI ANANDH, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / Accused No.1 & 2, who were apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148,294(b), 323,324 and 506(ii) IPC in Crime No.426 of 2017 on the file of the respondent police and seek anticipatory bail.

2.The case of the prosecution is that due to previous motive in respect of the possession of Muthavalli in the Lala Miyan Pallivasal, the first petitioner herein is said to have attacked with iron rod on the middle portion of head of the de facto complainant and the second petitioner is said to have attacked with aruval on the neck of the injured. When the injured moved from the spot, the petitioners caused injury in the fingers of the de facto complainant and the injured fell down. The four unnamed persons were said to have attacked the de facto complainant with iron rod and they were ran away from the scene of occurrence. The alleged



occurrence took place on 11.06.2017 at around 4.50 a.m. On complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners states that there was previous motive between the petitioner and the defacto complainant and due to which, a case was registered in Crime No.426 of 2017, dated 04.06.2017 against the petitioners and others. He would further submit that the de facto complainant is the younger brother of the first petitioner herein and there has been previous enmity between the petitioners and the de facto complainant with respect to the possession of Muthavalli in the Lala Miyan Pallivasal. Further, the petitioners are innocent and they did not commit any offence as alleged by the prosecution.

4. The learned counsel for the intervenor states that the defacto complainant and the petitioners herein are neighbours and due to the previous motive, the accused herein conspired together to murder the defacto complainant and attacked with iron rod and aruval and the injured was inpatient from 11.06.2017 to 05.07.2017. He would further state that the first petitioner herein is the retired Sub Inspector of Police and the second petitioner is the lecturer in this case. The first petitioner has influenced the police to register the FIR under Sections 147,148,294(b),323, 324 and 506(ii) IPC and the proper section 307 is included on the influence given by the first petitioner herein.

5.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally two named accused, who are the petitioners herein arrayed as A1 and A2 respectively and four unnamed accused in this case. He would further state that the injured was discharged from the hospital on 05.07.2017 and the investigation is still pending.

6.Considering the facts and circumstances of the case and also the fact that injured was discharged from the Hospital and also the previous enmity between the petitioner and the de facto complainant in this case in respect of the dispute over the Muthavalli in the Lala Miyan Pallivasal, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.V, Thirunelveli and on each of them 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 Magistrate concerned and on further condition that the first petitioner is directed to stay at Nagercoil and report before the learned Judicial Magistrate No.1, Nagercoil, daily at 10.30 am until further orders and the second petitioner is directed to appear before the learned Judicial Magistrate No.1, Tirunelveli, once in a week i.e on every Monday at 6.00 P.M, until further orders.. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate



within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
13/07/2017

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
- 4 THE CHEIF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL
- 5 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 7 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI

+1. CC to M/S.A.MOHAMED HANEEF Advocate SR.No.26519
+1. CC to M/S.P.MANI ANANDH Advocate SR.No.26489

TRP/RMK
CSL/CM-MSA/SAR-III/14.07.2017 : 3P/10C

ORDER
IN
CRL OP (MD) No.7267 of 2017
Date : 13/07/2017