



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

Wednesday, the Fifth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8381 of 2017

1 ABBAS
2 SHAJAHAN
3 MOHAMED NISARUDEEN
4 THAMEEM ANSARI

... PETITIONERS / ACCUSED NO.5 to 8

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR,
CRIME NO. 142/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S. A. MOHAMED YUSUF Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

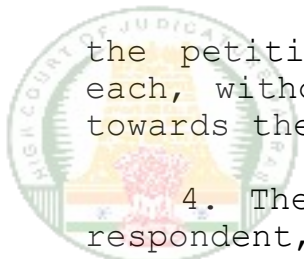
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 26.06.2017, for the offences punishable under Sections 147, 148, 341, 294(b), 352 and 506(ii) of IPC., r/w. Section 3(1) of TNPPDL Act, in Crime No. 142 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that 50 persons have involved in road roko on the date of occurrence condemning the officials of the Electricity Board. While the defacto complainant drove his car, the patentors and other accused waylaid the defacto complainant and scolded him and caused damages on his car worth about Rs.45,000/- and also assaulted the defacto complainant.

3. The learned counsel appearing for the petitioner states that the defacto complaint drove his car in a rash and negligent manner and he willfully try to dash the car with the people, who organized the road roko and scolded the women and children, those who are participating in the road roko with filthy words and also with their religion's name. Further, he took a bill-hook from the car and tried to attack the people. He also submitted that the defacto complainant in this case was caught hold by the accused in this case. Counter case was registered against him. Counsel for



the petitioner voluntarily agreed to deposit a sum of Rs.3000/- each, without any prejudice to his contention in the criminal case towards the alleged damage of the car.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 8 accused in this case and the petitioner herein are arrayed as A5 to A8. A1 to A4 are still absconding in this case. The petitioners were arrested on 26.06.2017 and they are in judicial custody. It is also admitted that a counter case was also registered against the defacto complainant by the 3rd accused in this case and the investigation is still pending.

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, Pattukottai and on further condition that:

[a] the petitioners shall report before the respondent police 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.

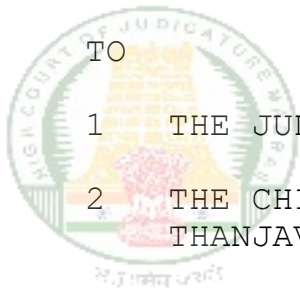
[d] each petitioners shall deposit a sum of Rs.3000/- to the credit of Crime No.142 of 2017, before the learned Judicial Magistrate, Pattukkottai.

[e] 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/-
05/07/2017

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



TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 OFFICER IN CHARGE,
SUB PRISON, PATTUKOTTAI, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. A. MOHAMED YUSUF Advocate SR.No.25895

ORDER

IN

CRL OP(MD) No.8381 of 2017

Date :05/07/2017

MKV-PM-PN-SAR 4/5.7.2017/3P-7C