



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

Wednesday, the Twelfth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8801 of 2017

ASRAF ALI @ ASRAF @ UMAR
2 PRABHU @ KAMSA

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DT.
CR.NO.297/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.SEENI SULTHAN 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 09.06.2017, for the offences punishable under Sections 241, 294(b), 386, 307 and 506(ii) of IPC., and Section 3(1) of TNPPDL Act, in Crime No.297 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners herein said to have waylaid the defacto complainant by showing Aruval and the first accused said to have extorted a sum of Rs.8,500/- and also damaged the motor bike of the defacto complainant. Further, the 1st petitioner said to have attacked with Aruval on the right hand of the defacto complainant and caused injuries and the second petitioner said to have attacked with Aruval, but the defacto complainant escaped from it.

3. The learned counsel appearing for the petitioner states that the petitioners were illegally secured by the respondent police on 06.06.2017 itself and they were illegally detained and therefore, the first petitioner's wife made a complaint to the Superintendent of Police and other higher officials on 07.06.2017 itself and thereafter, she also moved a Habeas Corpus Petition before this Court. After that the respondent police produced the petitioners for remand on 09.06.2017 by registering a false case. In the present case, the defacto complainant has not inflicted with



any injury and his bike was not subjected to any damage. The petitioners are innocent and they have not committed any such offence, as alleged by the prosecution and they have been falsely implicated in this case. He also submitted that the injured was discharged from the hospital.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case, who are the petitioners herein and they are arrayed as A1 and A2 respectively. Both accused were arrested on 09.06.2017 and they are in judicial custody. The first petitioner having two previous cases inclusive of an offence under Section 307 IPC., and the second petitioner is having eight previous cases inclusive of Section 307 IPC., and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the antecedents of the petitioners having previous cases including Sections 302 and 307 IPC., offences and the sum of Rs.8,000/- alone was recovered from A1, this Court is not inclined to grant bail to the petitioners, at this stage. Hence, this Criminal Original Petition stands dismissed.

sd/-

12/07/2017

/ TRUE COPY /

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

TO

- 1 OFFICER IN CHARGE,
SUB JAIL/DISTRICT PRISON, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8801 of 2017

Date :12/07/2017

MKV-PM-PN-SAR 1/17.7.2017/2P-4C