



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7645 of 2018

1 JEYLANI @ ABDUL KADAR JEYLANI

2 KANNA RASUL @ RASUL MYDEEN

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REPRESENTED THOROUGH
THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI
(IN CRIME No.129 OF 2018)

... RESPONDENT/ COMPLAINANT

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

For Respondent : MR.K.SUYMABULINGA BHARATHI,
Government Advocate(Crl.side)

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

ORDER : The Court Made the following order :-

The petitioners / accused Nos.1 and 2 , who were arrested and remanded to judicial custody on 26.04.2018 for the offences punishable under Sections 147, 452, 294(b), 307, 324, 323, 506(ii) and 109 of IPC, in Crime No.129 of 2018, on the file of the respondent police, seek bail.

2.The allegation against the petitioners is that due to political rivalry, the petitioners unlawfully assembled together and trespassed into the house of the defacto complainant and assaulted him with iron rod.

3.On the side of the petitioners, it is stated that the petitioners are in judicial custody from 26.04.2018 and no one was injured in the scene of occurrence and that co- accused have been granted anticipatory bail by this Court in Crl.O.P.No. 7554 of 2018 on 03.05.2018 and hence, prayed that the petitioners to be released on bail.



4. On the side of the respondent, it is stated that there are totally nine accused in this case and the petitioners herein are arrayed as A1 and A2 and it is fairly admitted that the injured were discharged from the hospital on 30.04.2018.

5. Considering the facts and circumstances of the case and also considering the fact that the injured were discharged from the hospital and that the co-accused have already been granted anticipatory bail by this Court and that the petitioners are in judicial custody from 26.04.2018, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i) the petitioners shall execute 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 Court, No.V, Tirunelveli.

(ii) the petitioners is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial; and

(v) on breach of any of the aforesaid conditions, the 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 petitioners released on bail by the 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/-
09/05/2018

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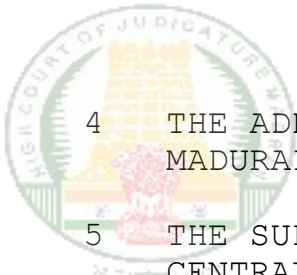
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3 THE INSPECTOR OF POLICE
<https://hcservices.ecourts.gov.in/hcservices/>
MELAPALAYAM POLICE STATION, TIRUNELVELI



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI I

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI

WEB COPY

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.8270

ORDER

IN

CRL OP(MD) No.7645 of 2018

Date :09/05/2018

SMA/PMI/GSR/10.05.2018:3P/7C