



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

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2561 of 2019

1.KAPOOR @ ABDUL KAPOOR,
2 PURKAN @ MOHAMED PURKAN, ... PETITIONERS / ACCUSED NOS.4 & 5

Vs

THE INSPECTOR OF POLICE,
THIRUPALAIKUDI POLICE STATION,
THIRUPALAIKUDI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.7/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.N.PRAGALATHAN Advocate

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

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

ORDER : The Court Made the following order :-

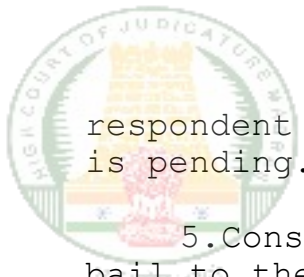
The petitioners, who are arrayed as A4 and A5, were arrested and remanded to judicial custody on 09.02.2019 for the offence under Sections 147, 148, 448, 294(b), 427, 323, 324, 506(ii) and 307 IPC in Crime No.7 of 2019, on the file of the respondent police, seek bail.

2. The petitioners alleged that they are informers to the Superintendent of Police as if the de facto complainant using Bomb for fishing, for which, the defacto complainant and the petitioners attacked each other. There was a case in counter in Crime No.8 of 2019 registered against the defacto complainant and the case in Crime No.7 of 2019 was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners have lodged a complaint against the defacto complainant stating that defacto complainant's groups used Bomb for fishing in the sea, in which, the law enforcing agency registered a case against the petitioners.

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4. The learned Government Advocate(Crl.side) appearing for the



respondent Police would submit that the investigation of the case is pending.

5. Considering the nature of the case, I am inclined to grant bail to the petitioners.

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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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders;

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

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

(e) 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 petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
RAMANATHAPURAM DISTRICT.



3. THE INSPECTOR OF POLICE,
THIRUPALAIKUDI POLICE STATION,
THIRUPALAIKUDI, RAMANATHAPURAM DISTRICT.

4. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.3792

ORDER

IN

CRL OP (MD) No.2561 of 2019

Date :26/02/2019(1/2)

AE/PN/SAR-I/26.02.2019/3P/7C