



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

Tuesday, the Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.279 of 2019

1.SYED ALI
2.IBRAHIM BADHUSHA

... PETITIONERS / ACCUSED
No.1 and 2

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI
Crime No.851 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.M.A.JINNAH 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 were arrested and remanded to judicial custody since 29.12.2018 for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.851 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel regarding fixing of advertisement board, the petitioners are said to have assaulted the injured and abused him in filthy language and threatened with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital and the investigation is pending.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners.

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, Nanguneri and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] 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 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.S.M.A.JINNAH Advocate SR.No.361

ORDER
IN
CRL OP(MD) No.279 of 2019
Date :08/01/2019

TK/VR/SAR-1/08.01.2019/3P/7C