



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

Friday, the Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3211 of 2019

1 MOHAMED ASAN
2 SHEIK MOHAMED

... PETITIONERS / ACCUSED NO.2 & 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI.
CRIME NO.94/2019

... RESPONDENT / COMPLAINANT

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

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

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 since 12.02.2019 for the offence punishable under Sections 147, 148, 342, 420, 506(ii) and 379 of IPC, in Crime No.94 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the advice of one Thameem, the defacto complainant along with Thameem went to Tirunelveli in his Innova car, in order to borrow a loan amount for his brother-in-law's friend. When they waiting at Melapalayam, the petitioners along with other accused persons Pandi and Durai Pandi, suddenly attacked the Thameem, and snatched the cellphone of the defacto complainant and stating that the said Thameem has to pay a sum of Rs.15,00,000/- to the accused persons and if the defacto complainant paid that amount, they would release the Thameem and for that purpose they obtained signature from the defacto complainant in stamp papers and left the defacto complainant in Tirunelveli Bus Stand. Hence, the complaint.

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. He further submits that initially the defacto complainant Pulikasi cheated Rs.15,00,000/-



from Thameem and Thameem and the said defacto complainant went to the place of occurrence and they creates drama and in order to implicate the petitioners they foisted the present case. Accordingly, prayed for bail.

4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant and the petitioners are friends and in order to cheat the amount, they are created drama as if he was kidnapped by some known others, wherein the defacto complainant already obtained money from the Thameem.

5. Considering the facts and circumstances of the case and considering the allegations levelled against the petitioners and considering the fact that the Thameem and the defacto complainant said to have created drama and made a complaint before the respondent police in order to wreck vengeance, 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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 as and when required for interrogation;

(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 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]**; and;

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

sd/-

08/03/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-4496[I] dated 08/03/2019)

ORDER

IN

CRL OP(MD) No.3211 of 2019

Date :08/03/2019

JM/JC/SAR 2/08.03.2019/3P/7C