



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

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3475 of 2021

M.Ottu Kaja @ Kaja Ismail

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
Crime No.120 of 2021.

... Respondent/Complainant

For Petitioner : Mr.I.Sabeer Mohamed,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime no. 120 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 20.02.2021 for the offences punishable under Sections 448,294(b),307, 427 and 506(ii) of IPC on the file of the respondent police seeks bail.

2. The case of prosecution is that the defacto complainant is a practising advocate in Tirunelveli District and District Secretary of a political party and the petitioner is also a member of the said party. Thereafter due to the adverse activities of the petitioner the defacto complainant removed him from the party, due to which on the date of occurrence the petitioner herein abused the defacto complainant, assaulted him and also threatened with dire consequences. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would also submit that the defacto complainant is a practising advocate and using his influence the present First Information has



been registered against the petitioner. He would also submit that no one sustained injuries in the said occurrence.

4. The learned Additional Public Prosecutor would submit that the petitioner herein went to the office of the defacto complainant abused him and also assaulted him. He would also submit that no one sustained injuries in the said occurrence. He would also submit that two previous case is pending against the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no one sustained injuries in the said occurrence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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 petitioner 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.SABEER MOHAMED, Advocate (SR-1811[I] dated 05/03/2021)

ORDER

IN

CRL OP(MD) No.3475 of 2021

Date :05/03/2021

AAV

MS/PN/SAR-4/05.03.2021/3P.7C