



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2022

WEB COPY

PRESENT

The Hon`ble MR.Justice K.MURALI SHANKAR

CRL OP(MD). No.10628 of 2022

SEYAD JALALUDEEN, ... PETITIONER/SOLE ACCUSED

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.316/2022).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.JINNAH S M A,
ADVOCATE.

FOR RESPONDENT : MR.P.KOTTAICHAMY,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

For Bail in Crime No.316/2022 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 02.06.2022 for the offences punishable under Sections 294(b), 353, 342 and 506(2) of IPC, in Crime No.316 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.05.2022, the petitioner abused the de-facto complainant in filthy language, prevented him to discharge his official duty and criminally intimidated the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a writ petition before this Court in W.P.(MD)No.5867 of 2022 seeking Writ of Mandamus, directing the respondent herein to postpone the election after the Holy Ramalan



Month for electing Administrative Members to the Tamil Nadu Wakf Board and this Court, vide order dated 31.03.2022 directed the respondents to conduct election only after preparing a proper electoral list and after the month of Ramzan for the year 2022. Due to the personal vengeance and prior enmity, the petitioner's nomination has been rejected and thereafter, the above case has been foisted against the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that no one was injured in this case.

5.Considering the above facts and circumstances and also considering the nature of the charges levelled against the petitioner and also the facts that no one was injured in this case, that except the offence under Section 506(2) of IPC, all other offences are bailable in nature, that the petitioner is not having any previous case for similar or serious offence and also taking note of the fact that the petitioner is in judicial custody from 02.06.2022, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi.

(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 weekly twice, ie., on every Saturday and Sunday at 10.30 a.m., for a period of one month 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/06/2022

/ TRUE COPY /

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15/06/2022

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

SJI

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.

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, TENKASI.
4. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to MR.S.M.A.JINNAH, Advocate, SR.No.5591 DATED:15.06.2022

ORDER IN
CRL OP(MD) No.10628 of 2022
Date : 15/06/2022

GC/VR/SAR-1(15.06.2022) 3P 7C