

In the Court of the I Additional District Judge, Madurai.

Present : Thiru. M. Thandavan, B.L.,

I Additional District Judge, Madurai.

Tuesday, this the 7<sup>th</sup> day of July - 2020.

**CrI.M.P.No.195/2020**

IN

CrI.M.P.No: 6071/2019

SC No.394/2019

Cr.No.907/2019

Love failure Vikki @ Vignesh Kumar (A1)

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thallakulam P.S. Cr.No. 907/2019

.. Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru. J. Kasiviswanathan, Advocate for the petitioners and Thiru. G. Sankaran the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s 147, 148, 341, 307, 302 and 506(ii) IPC.

3. Heard.

4. The case of the petitioner is that the respondent has filed the case in Cr.No. 907/2019 u/s. 147, 148, 341, 307, 302 and 506(ii) IPC against the petitioner and others in Thallakulam Police. The case of the petitioner is that the case has been falsely registered against the petitioner due to enmity. Therefore this petition has been filed to release the petitioner on bail. It is objected by the respondent that the petitioner has been detained under Goondas Act. It is admitted by the petitioner that the petitioner was detained in the Goondas Act and the same was quashed by the Honourable High Court in H.C.P.(MD)No.1184/2019 dt:29.06.2020. The quashing of detention under the Goondas Act has also been admitted by the Learned Public Prosecutor.

Therefore it is evident that there is no detention of the petitioner under the Goondas Act.

5. A careful perusal of the records indicates that the petitioner was arrested on 14.06.2019. Therefore it is argued on the part of the petitioner that by considering the period of detention, the petitioner has to be released on bail. It is argued on the part of the respondent that there are several cases pending against the petitioner namely in B1 Law & Order Thallakulam P.S. in Cr.No.2/2015 u/s. 397 IPC, Sellur L & O P.S. in Cr.No.1000/2019 u/s. 147, 148, 341, 294(b), 307 and 506(ii)IPC and Anna Nagar P.S. in Cr.No.349/2017 u/s 379 IPC and in Cr.No.328/2017 u/s. 379 IPC. It is not denied by the petitioner that those cases are not pending against the petitioner. But the petitioner has stated that the petitioner is ready to furnish substantial surety for securing the presence of the petitioner.

6. It is pointed out by the petitioner that the co-accused have been released on bail. It is also accepted by the respondent that the co-accused have been released on bail. Therefore this petitioner alone is in the custody for more than a period of 380 days. Therefore the custody of the petitioner is no longer required in this case and it is held that the petitioner has to be released on bail by considering the duration of custody and the assurance given by the petitioner that he is ready to furnish substantial surety for securing his presence.

In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of this court with further condition that the petitioner shall sign before this court for 2 months from the date of this release. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses and shall not induce witnesses and he shall not cause obstacles to the pending investigation.

Pronounced by me in Camp Court on the 7<sup>th</sup> day of July - 2020.

Sd/- M. Thandavan

I Additional District Judge, Madurai.

Copy to

1. The Inspector of Police Thallakulam, Madurai.
2. The Petitioner through his counsel.
3. The Superintendent Central prison, Madurai.

