

In the Court of the IV Additional District and Sessions Judge, Madurai

Present : Tmt.N.Nagalakshmi, M.A., B.L.,

IV Additional District and Sessions Judge, Madurai

Tuesday, the 23rd day of June, 2020.

Cr.M.P.No.310/2020 in Sessions Case No.551/2019

M.Sevugabalaji @ Leo

S/o Maluventhi.

... Petitioner/accused

/vs/

State,

through the Inspector of Police,

K.Pudur Police Station.

in Crime No.284/2019.

... Respondent/Complainant

This application is coming up before me for hearing today in the presence of Thiru.M.Rajendran, Counsel for the accused and of Thiru.N.Selvam, Additional Public Prosecutor for the State and upon hearing the arguments of both side and upon perusing the case records, this court passed the following

ORDER

Application filed by the petitioner/accused u/s 439 of Cr.P.C. to enlarge the petitioner/accused on bail.

2. Heard both sides. The learned counsel for the petitioner would submit that the petitioner has been charged for the alleged offences u/s 147, 148, 341, 302, 149, 120(b), 114 of IPC and 27 of Arms Act, the petitioner is arrayed as A5 in this case, the petitioner has been remanded to judicial custody on 21.06.2019 and he is in judicial custody for the past 365 days, the order of detention issued against the petitioner under Goondas Act has been revoked as per order of the Hon'ble Madurai Bench of Madras High Court in HCP(MD) No.1075/2019 dated 18.06.2020, the petitioner is an Engineering graduate, considering the period of incarceration the petitioner may be enlarged on bail with any stringent condition.

3. Per contra, the learned Additional Public Prosecutor has submitted that the petitioner along with co-accused had involved in grave offence of murder of one viz. Arumugam using lethal weapons, hence the present case and the same is pending before this court for framing of charges and the same is posted on 09.07.2020, if the petition is allowed the petitioner will definitely vacate his residence and abscond to some other place and he will tamper the evidences in the main case which will hamper the entire trial proceedings and he strongly objected to enlarge the petitioner on bail.

4. Considering the rival submission of either side, this court finds that the petitioner is in prison for the past 365 days. The order of detention against the petitioner under Goondas Act has been revoked as per order of the Hon'ble Madurai Bench of Madras High Court in HCP(MD) No.1075/2019 dated 18.06.2020. There is no statement from the prosecution as to pending previous criminal cases against the petitioner. Hence, considering the above facts and circumstances and the long period of incarceration i.e. nearly 365 days, this court is inclined to allow the petition on condition.

5. In the result, the petitioner is ordered to be enlarged on bail on his executing own bond for each Rs.25,000/- to the satisfaction of the **Superintendent, Central Prison, Madurai**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.25,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses, he shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within

his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in *P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560*. Accordingly, the petition is allowed.

Pronounced by me in open court, this the 23rd day of June, 2020.

Sd/- N.Nagalakshmi.
IV Additional District Judge,
Madurai.

Copy to

1. The Judicial Magistrate No.6, Madurai.
2. The Inspector of Police, K.Pudur P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.

