

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
PERAMBALUR.**

**Present: Tmt.S. Subadevi, B.A., B.L.,M.B.A.,
Principal District and Sessions Judge,
Perambalur.**

Friday, this the 19th day of June, 2020.

E. Bail No.192/2020.

Idaiyadulla, 22/20,(A-4),
S/o.Sabiyulla,
Visvakudi,
Veppanthattai Taluk,
Perambalur District.

... Petitioner/Accused.

-vs-

Represented by the Inspector of Police,
Perambalur P.S.
Cr.No.1627/2020.
Offence U/S.399 IPC & Sec.25(1A) Arms Act.

... Respondent/Complainant.

This petition coming on this day before me for order in the form of e-bail by Thiruvargal.P.Kamarasu and M.S.Velmurugan, Advocates for the petitioner and the Public Prosecutor for the State and upon perusing the petition and other records, this Court has delivered the following...

ORDER

This petition has been filed U/s 439 of Cr.P.C. for grant of bail to the petitioner for the offence U/S.399 IPC & Sec.25(1A) Arms Act.

The learned Counsel for the petitioner stated that the alleged date of occurrence took place on 07.06.2020 and FIR was registered on the same day and the

petitioner/accused was remanded on the same day and he has not committed the offence and there is no prima-facie made out to prove the case and earlier bail applications were dismissed by this Court and the co-accused A2 and A10 were already released on bail by this Court on 16.06.2020 and the case properties were recovered and if he is released on bail, he will be ready to furnish sufficient sureties and he will abide the conditions which are imposed by this Court and he will not abscond or tamper the witness or evade justice in any manner and undertake to pay the court fees at the time of surety and he has not filed any bail application before the Hon'ble High Court of Madras and hence the accused is seeking for bail.

The learned Public Prosecutor stated in his reply that investigation is in earlier stage, the accused A5, A6 and A9 are yet to be arrested if bail is granted, law and order problem will be create in the town and strongly opposed for granting bail.

The petitioner's Counsel argued that the petitioner is in judicial custody for more than 13 days, section 399 is not attracted and the petitioner and the deceased Kabilan are not friends and the petitioner is not a criminal notorious person and the co-accused were already released on bail by this Court and the petitioner was arrested only the preventive measure taken by the police and the petitioner is the first offender and due to corona bail may be considered.

On perusal of the records, the occurrence took place on 07.06.2020 and the petitioner was arrested and remanded on the same day. The petitioner Counsel has stated that the co-accused were already released on bail for the same offence. The learned Public Prosecutor argued that the co-accused were already released on bail only on medical ground for A2 and A10 is a student. Further the learned Public Prosecutor

has stated that the accused and the deceased Kabilan are friends, the investigation is not yet completed and some of the accused yet to be arrested. The earlier two bail applications were dismissed and there is no change of circumstances. Considering the above facts and circumstances and strong objections of the learned Public Prosecutor, this petition is dismissed.

Pronounced by me through email, this the 19th day of June, 2020.

Handwritten signature and date: 19/6/2020

Principal District and Sessions Judge,
Perambalur.

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
PERAMBALUR.**

**Present: Tmt.S. Subadevi, B.A., B.L.,M.B.A.,
Principal District and Sessions Judge,
Perambalur.**

Friday, this the 19th day of June, 2020.

E. Bail No.193/2020.

Ahamed, 20/20, (A-3),
S/o.Jamal Mohamed,
No.328/1, Royal Nagar,
Vadakkumadavi Road,
Perambalur Tk & District.

... Petitioner/Accused.

-vs-

Represented by the Inspector of Police,
Perambalur P.S.
Cr.No.1627/2020,
Offence U/S.399 IPC & Sec.25(1A) Arms Act.

... Respondent/Complainant.

This petition coming on this day before me for order in the form of e-bail by Thiruvargal.S.Manivannan and S.Senthilkumar, Advocates for the petitioner and the Public Prosecutor for the State and upon perusing the petition and other records, this Court has delivered the following...

ORDER

This petition has been filed U/s 439 of Cr.P.C. for grant of bail to the petitioner for the offence U/S.399 IPC & Sec.25(1A) Arms Act.

The learned Counsel for the petitioner stated that the alleged date of occurrence was on 07.06.2020 and FIR was registered on the same day and the petitioner/accused was remanded on 07.06.2020 and he has not committed the offence and he is an B.E. 2nd year student and he had met with an accident on 23.03.2020 and his left leg bone was fractured and he was taking continuous treatment. He would further submit that the defacto complainant gave a false complaint against the

petitioner/accused and no weapon recovered from the petitioner/accused and he has no previous case and most part of the investigation over and earlier bail application was dismissed by this Court in E.Bail No.130/2020 dated 10.06.2020 and if he is released on bail, he will be ready to furnish sufficient sureties and he will abide the conditions which are imposed by this Court and he will not abscond or tamper the witness or evade justice in any manner and to pay the court fee at the time of surety and he has not filed any bail application before the Hon'ble High Court of Madras and hence the accused is seeking for bail.

The learned Public Prosecutor stated in his reply that the petitioner was taking treatment in month of April at the time of arrest, he was sent to Government Hospital and he is in normal. The accused A5, A6 and A9 are yet to be arrested and investigation is in earlier stage. The Co-accused A10 is released on bail on the ground that he is a student and A2 was released on the medical ground.

The petitioner's Counsel argued that the petitioner is an engineering college student and met with an accident in the month of April and took treatment at Dhanalakshmi Srinivasan Medical College Hospital. The police falsely implicated in this case and also Section 399 is not made out. Further the petitioner's Counsel argued that on 16.06.2020, A2 and A10 were released on bail for the same offence.

On perusal of the records, the occurrence took place on 07.06.2020 and the petitioner was arrested and remanded on the same day. The petitioner Counsel has stated that he is an engineering student and falsely implicated and the objections raised by the learned Public Prosecutor that the investigation is not yet completed and some other accused yet to be arrested if bail is granted, law and order will be create. The medical records as well as the bonafide certificate issued from the College and the semester periodical test records has been furnished that the petitioner is a student and he

also met with an accident and took treatment. Considering the above aspect, this Court granting bail on conditions:

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 one blood surety and one ordinary surety each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Perambalur and on further condition that

(a) the sureties shall affix their photographs and Left Thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(b) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

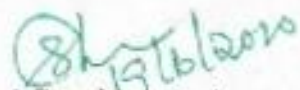
(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner shall not abscond either during investigation of trial

(e) 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me through email, this the 19th day of June, 2020.


Principal District and Sessions Judge,
Perambalur.

COPY TO:

- 1. The Judicial Magistrate No.I, Perambalur.
- 2. The Public Prosecutor, Perambalur.
- 3. The Inspector of Police, Perambalur P.S.
- 4. The Advocate for the petitioner.