

**In the Court of the Principal District Judge, Madurai.**

**Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,**

**Principal District Judge, Madurai.**

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

**CrI.M.P.No.3247/2020**

Pandiarajan,S/o.A.Velu

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Subramaniapuram,P.S. Cr.No.727/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Selvam, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, 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. 9(B)(1)(b) of Explosives Act, Sec. 147, 148, 307 and 506(ii) of IPC.
3. Heard.
4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that a case has been registered against the accused in Cr.No.727/2020 of Subramaniauram P.S. U/Sec. 9(B)(1)(b) of Explosives Act, Sec. 147, 148, 307 and 506(ii) of IPC. The date of occurrence was on 31.5.2020. The petitioner was arrested on 19.6.2020 and he is in judicial custody for the past 19 days. The injured discharged from the hospital on the same date. The case of the prosecution is that on 31.5.2020, the accused beat the defacto complainant and his brother while they are racing a cow, in their village. Further, the learned counsel for the petitioner would submit that only after arrest of the accused, Sec. 9(B)(1)(b) of Explosives Substances Act was added stating that these accused were in possession of explosive substances. In fact, they were not in possession of explosives substance as stated by the prosecution. The co-accused were granted bail/ anticipatory bail by this Court in Cr.M.P.Nos.3127/2020 & 3135/2020 dated: 29.6.2020. The petitioner is A7 in this case and prays to grant bail.

5. The learned public prosecutor would submit that on 31.5.2020, the defacto complainant and his brother raced a cow in their village. The accused disturbed them to race the cow. Due to that enmity, the petitioner along with other accused assaulted the defacto complainant and his brother. The injured discharged from the hospital. He has not raised any serious objection in granting bail to the petitioner. Therefore, considering the fact that substantial part of investigation is over and co-accused have been granted bail / anticipatory bail by this Court in Cr.M.P.Nos.3127/2020 & 3135/2020 dated: 29.6.2020, this Court is inclined to grant bail to the petitioner on condition.

6. In the result, the Petitioner is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- to the satisfaction of the **Superintendent, District Bail, Virudhunagar**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond each for Rs.10,000/- 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 Camp Court on the 7<sup>th</sup> day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

**Copy to**

1. The Judicial Magistrate concerned
2. The Inspector of Police, Subramaniapuram, P.S.
3. The Superintendent, District Bail, Virudhunagar.
4. The Petitioner through his counsel.