

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 14th day of July -2020.

CrI.M.P.No.3318/2020

1.M.Kumar @ Premkumar,S/o.Meenakshisundaram

2.P.Roopy @ Rooby Christina,W/o.Premkumar

3.A.Rani,W/o.Amalraj

4.A.Ajay Milton,S/o.Amalraj

5.M.Suresh,S/o.Malaichamy.

... Petitioners/Accused.

Vs

State through the Inspector of Police,

K.Pudur,P.S. Cr.No.1682/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Mayalagu, 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. Anticipatory Bail application u/s. 438 of Cr.p.c.

2. The offences alleged are under section 294(b), 323 and 506(i) of IPC.

3. The defacto complainant/intervening petitioner has filed an intervening petition and he is permitted to assist the public prosecutor.

4. Heard.

5. The learned counsel for the petitioners would submit that the date of occurrence was on 23.6.2020 and there is no injury caused to any of them. This is a case and a case in counter. The counter case crime number is 1673/2020. The learned public prosecutor and the learned counsel for the intervening petitioner have submitted that the petitioners and the defacto complainant are neighbours and this is a case and a counter case, and there is a dispute between the defacto complainant and the accused with respect to the street light.

6. The learned counsel for the intervening petitioner while advancing his argument has submitted that there is no injury caused to the defacto complainant, but the defacto complainant sustained mental injury which is more than physical injury. The learned public prosecutor has not raised any strong objection in granting anticipatory bail to the petitioners. Considering the above facts and circumstances of the case, and the fact that no one was injured, this Court is inclined to grant anticipatory bail to the petitioners on condition.

7. In the result, in the event of arrest or on their surrender before the Court concerned, the Petitioners are ordered to be enlarged on anticipatory bail on his executing own bond each for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 6 weeks, the petitioners 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 petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioners shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) 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 14th day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, K.Pudur, P.S.
3. The Petitioner through his counsel.