

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.**

**PRESENT: THIRU. M.THANDAVAN, B.L.,**

**(I Additional District & Sessions Judge, Madurai)**

**PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.**

**(AUTHORISED U/S.10(3) OF CR.P.C.)**

**Friday, this the 24<sup>th</sup> day of July -2020.**

**CrI.M.P.No.3395/2020**

1.Santhuru @ Sinthanai Selvan,S/o.Ravichandran

2.Guna,S/o.Rajendran @ Ravichandran

3.Kumaran,S/o.Murugan

4.Velmurugan,S/o.Karuppaiya

... Petitioners/Accused.

**Vs**

State through the Inspector of Police,

Palamedu,P.S. Cr.No.1058/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.V.Chidhambaram, 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 under section 438 of Cr.P.C.

2. The offences alleged are under section 147, 148, 341, 294(b), 323, 324, 506(ii) of IPC & Sec. 4 of TNPWH Act.

3. Heard both sides.

4. The case of the petitioners is that the date of occurrence was 15.7.2020, the petitioners have not committed any offense as stated by the prosecution, the injured discharged from the hospital, the AI was arrested and released on bail by the Judicial Magistrate, Vadipatti. The petitioners have got no previous case. The petitioners are ready to abide any condition imposed by this court and prays to grant bail.

5. It is argued on the part of the respondent that totally there are 5 accused in this case, the petitioners are A2 to A5, the injured discharged from the hospital. He placed his objection in granting bail to the petitioners.

6. A careful perusal of the records and the arguments of both sides indicates that the injured discharged from the hospital. It is admitted that there is no previous case on the petitioners. Already one of the co-accused has been granted bail by the concerned Judicial Magistrate. Therefore, it is held that the petition has got to be allowed.

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 their 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 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 24<sup>th</sup> day of July -2020.

Sd/-M.Thandavan,  
Principal Sessions Judge (i/c.),Madurai.

**Copy to**

1. The Judicial Magistrate concerned
2. The Inspector of Police,Palamedu,P.S.
3. The Petitioners through his counsel.