

In the Court of the Principal District Judge, Madurai.

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

Principal District Judge, Madurai.

Friday, this the 14th day of August -2020.

CrI.M.P.No.3580/2020

1.Muthupandi,S/o.Muniyasamy
2.Eli @ Dinesh,S/o.Muthukumar

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Teppakulam,P.S. Cr.No.1047/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.Aswin, Advocate for the petitioners and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail applications u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC.
3. Heard.
4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that a case has been registered against the accused in Cr.No.1047/2020 of Teppakulam P.S. U/Sec. 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC. The date of occurrence was on 24.7.2020. The petitioners were arrested on 26.7.2020 and they are in custody for the past 20 days. There was a dispute between 2 groups, one is V.K. Gurusamy group and another one is Rajapandi group. These petitioners belongs to Rajapandi group. This is a case and a case in counter. The counter case crime number is 1048/2020. The 1st petitioner got injury in the occurrence and he was also hospitalized for 3 days and discharged from the hospital. Even in the F.I.R., it is stated that there was a clash between 2 groups of people. One headed by V.K.Gurusamy and another by Rajapandi and the police are unable to control these 2 group of people and F.I.R. has been lodged against these 2 group of people. The defacto complainant also got injury and he is also an accused in counter case Cr.No.1048/2020. The injured discharged from the hospital. He prays to grant bail to the petitioners.

5. The learned public prosecutor while advancing his argument has admitted that there was a clash between two groups of people and F.I.R. has been registered against the two groups of people in Cr.Nos.1047/2020 and 1048/2020. Both side injured discharged from the hospital. The 1st petitioner Muthupandi is having 2 previous cases in Teppakulam PS and Keeraithurai PS. The petitioners are in custody for the past 20 days. Therefore, considering the fact that both side injured discharged from the hospital and considering the period of incarceration of the petitioners for the past 20 days, this Court is inclined to grant bail to the petitioners on condition.

6. In the result, the Petitioners are ordered to be enlarged on bail on their executing own bond each for Rs.10,000/- to the satisfaction of the **Superintendent, District Jail, Dindigul.** After a period of 6 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each 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. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they 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 14th day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police,Teppakulam,P.S.
3. The Superintendent, District Jail, Dindigul.
4. The Petitioners through his counsel.