

In the Court of the Principal District Judge, Madurai.

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

Principal District Judge, Madurai.

Monday, this the 17th day of August -2020.

CrI.M.P.No.3662/2020

Sivamani Krishnan,S/o.Ganesan*

... Petitioner/Accused.

***Amended as per Order in Crmp No.3751/2020 dated.20.08.2020.**

Vs

State through the Inspector of Police,

Anna nagar,P.S. Cr.No.1411/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.D.Sakthivelmurugan, 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. 147, 148, 294(b), 342, 449, 307 & 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.1411/2020 of Anna Nagar P.S. U/Sec. 147, 148, 294(b), 342, 449, 307 & 506(ii) of IPC. The date of occurrence was on 25.7.2020. The petitioner was arrested on 26.7.2020 and he is in custody for the past 23 days, the injured

person discharged from the hospital and hence prayed to grant bail to the petitioner.

6. The public prosecutor while advancing his argument has submitted that totally there are 8 accused in this case. The petitioner is arrayed as A4 . The date of occurrence was on 25.7.2020. All the accused stabbed the injured with knife on his write hand, wrist and elbow. The overt act against the petitioner is that he caused injury on the elbow of the injured person. Already there was a motive between the AI and the injured person. This is 2nd application. The injured was discharged from the hospital. Investigation is pending and he raised objection to grant bail to the petitioner.

7. Considering the fact that the injured was discharged from the hospital, and also considering the incarceration period of the petitioner for the past 23 days, this Court is inclined to grant bail to the petitioner on condition.

8. 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, Central Prison, Madurai**. After a period of 6 weeks, the petitioner 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 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 17th day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Anna nagar, P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.