

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

**Present : Thiru. P.Vadamalai, B.Com., B.L.,**

**Principal Sessions Judge, Madurai.**

**Monday, this the 18<sup>th</sup> day of January -2021.**

**Crl.M.P.No.16/2020**

E.Meena, W/o.Eswaran

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Sindhupatti P.S. Cr.No.274/2019

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.R.Neethirajaram, 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 under sections 294(b), 323, 506(ii) of IPC and Sec. 4 of TNPWH Act & Sec. 406 of IPC.
3. Heard both.
4. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The petitioner has been arrested and remanded to judicial custody on 10.12..2019 and after 29 days interim bail was granted to the petitioner on 7.1.2020. The case was referred to mediation, but not settled. Now investigation is over, charge sheet has been laid, and numbered as CC 128/2020. Hence he prays made absolute the bail already granted.

5. The learned public prosecutor submitted that totally there are 2 accused in this case, the petitioner is arrayed as A1. The A2 is the son of A1. The case of prosecution is that the defacto complainant and the petitioner are close relatives. In the year 2017, the petitioner pledged 16-1/2 sovereign jewels of the wife of defacto complainant, in Canara bank and obtained loan Rs.2,20,000/- in her name and paid the amount to the defacto complainant. Now, the defacto complainant is ready to redeem the jewels and paid the amount. But, the petitioner has denied to receive and redeem the jewels, because of, to grab the common well of the both families. Due to that motive, on the date of occurrence, the petitioner along with his son who is arrayed as A2, scolded the defacto complainant in filthy languages, assaulted the defacto complainant and his wife with stick, A2 pulled the saree of the defacto complainant's wife and threatened them. The matter has been referred to mediation but not settled. Investigation has been completed and charge sheet has been laid.

6. Already interim bail granted to the petitioner on 7.1.2020. It is stated that investigation has been completed and charge sheet has been laid. The case is pending as CC 128/2020 before the Judicial Magistrate, Thirumangalam. Already interim bail granted to the petitioner on 7.1.2020. Considering the above facts the interim bail already granted to the petitioner may be made absolute.

7. In the result, the interim bail already granted to the petitioner is made absolute and petitioner shall co-operate with the trial court and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending trial. 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 even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

Pronounced by me in Open Court on the 18<sup>th</sup> day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

**Copy to**

1. The J.M.Thirumangalam.
2. The Inspector of Police, Sindhupatti P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.