

In the Court of the Principal Sessions Judge, Madurai.

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

Principal Sessions Judge, Madurai.

Monday, this the 18th day of January -2021.

Crl.M.P.No.211/2021

Venmani, S/o.Palsamy

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Alanganallur P.S. Cr.No.1706/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Murugan, 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. 341, 294(b), 307, 506(ii) and 109 of IPC.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that the respondent police has registered a case against the petitioner and other accused for the offences under sections 341, 294(b), 307, 506(ii) and 109 of IPC. Totally there are 4 accused in this case and the petitioner is arrayed as A1. The petitioner was arrested and remanded to judicial custody on 20.12.2020 and he is in judicial custody for the past 30 days. Already A2 to A4 were granted anticipatory bail on 15.10.2020. The date of occurrence was 18.9.2020. Due to

family dispute, false case has been foisted against the petitioner. The injured discharged from the hospital. Hence, prayed to grant bail to the petitioner.

5. The learned Public prosecutor has submitted that totally there are 4 accused in this case. The petitioner is arrayed as Al. When the defacto complainant went for funeral ceremony, the Al followed him in a bike and attacked him on his forehead. The injured took treatment for 18 days and discharged from the hospital. In this case, no one arrested. The injured is none other than the brother of the petitioner/Al. The Al stabbed the injured in order to murder him. Already the petitioner moved anticipatory bail and the same was dismissed by this Court, then he was arrested and remanded to judicial custody on 20.12.2020. He placed his objection.

6. According to the learned public prosecutor, the injured was hospitalized for more than 18 days and discharged from the hospital. The petitioner has been in judicial custody for 30 days. Already co-accused were granted anticipatory bail by this Court. Under such circumstances, considering the duration of the custody of the petitioner, and the above facts, this Court is inclined to grant bail to the petitioner on condition.

7. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, Vadipatti subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.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 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**. Accordingly this petition is allowed.

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

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

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