

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.238/2021

Muruga Suriyan @ Muruku, S/o.Anbalagan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Alanganallur P.S. Cr.No.965/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.R.Arjunarajan, 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. 394 of IPC

3. Heard both

4. The case of petitioner is that the date of occurrence was on 6.6.2020. The petitioner was arrested and remanded to judicial custody on 19.10.2020 and he is in custody for the past 92 days. False case has been foisted against the petitioner, since he is having previous cases. He has not committed any offence as stated by the prosecution. The property has been recovered. Investigation is over. He prays to grant bail to the petitioner.

5. It is argued on the part of the respondent that on 6.6.2020, at 8.30 p.m., when the defacto complainant returned back from duty in his two wheeler with Rs.34,500/- and parked his vehicle near Pasingapuram Wine shop, the petitioner along with other accused committed robbery of Rs. 34,500/- , cell phone and his two wheeler. The petitioner was arrested after 5 months, Investigation is pending, further the petitioner is involved in 16 previous cases, hence he strongly objected to grant bail to the petitioner.

6. The petitioner is said to have committed robbery of Rs. 34,500/- , cell phone and two wheeler of the defacto complainant, consequently, the present case came to be registered. According to the public prosecutor, the petitioner is involved in 16 previous cases. But the petitioner has been in judicial custody for the past 92 days. Charge sheet not yet filed, Hence considering the duration of the custody of the petitioner, 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.