

In the Court of the Principal District Judge, Madurai.

Present : Thiru. M. Thandavan, B.L.,

Principal District Judge, Madurai.(I/C)

Thursday, this the 21st day of May 2020.

Crl.M.P.No.2491/2020

1.Chinnakruppan S/o. **Karuppan***

2. Alagesan S/o. **Karuppan***

3. **Alagumalai*** S/o. Karupopannan

... Petitioners/Accused.

Vs

State through the Inspector of Police,
Usilampatti **Taluk***,P.S. Cr.No. 409/2020

.. Respondent/Complainant.

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

Order

1. Anticipatory bail application u/s. 438 of Cr.p.c.

2. The offences alleged are U/s 294(b), 323, 379, **506(ii)***, IPC

3. Heard.

4. The case of the petitioner is that the date of occurrence is 16.05.2020, FIR has been registered on the same date. There is civil dispute between the parties. Only in order to threaten the petitioner a false complaint has been registered.

5. It is admitted on the part of the respondent that the injuries has been discharged. Admittedly there is civil dispute between the parties. Exceptoffence u/s **506(ii)*** IPC all other offences areailable ones. Since there is civil dispute between the parties, the parties can not abscond. Therefore thepresence of the petitioner can be secured easily. Hence it is held that there will be no hurdles to the investigation also. Hence the arrest of the petitioners is not at all mandatory in this case. Hence in the interest of justice it is held that this petition has got to be allowed. Hence petition allowed.

6. In the result, in the event of arrest or on their surrender before the Court concerned, the petitioner are ordered to be enlarged on anticipatory bail on their executing own bond each for a sum of Rs.10,000/-to the satisfaction of the Judicial

Magistrate concerned subject to the following conditions:

(i) After a period of 6 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond each for Rs.10,000/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.

(ii) The petitioners shall not tamper with the witness or in any manner interfering with or make obstacle to the smooth progress of interrogation.

(iii) If there is any violation of condition, the Investigation Officer is within their 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) Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 21st day of May 2020.

Sd/M.Thandavan
Principal District Judge, Madurai(I/C)

*** Amended as per order in Crmp.No.3326/2020 dated.14.7.2020.**

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Usilampatti **Taluk*** P.S.
3. The Petitioners through his counsel.