

In the Court of the Principal District Judge, Madurai.

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

Principal District Judge, Madurai.

Friday, this the 5th day of June -2020.

Cr.L.M.P.No.2587/2020 & 2588/2020

Saravanan @ Samy Saravanan, S/o.Pandurengan ... Petitioner/Accused.

In CRLMP No:2587/2020

Manikandan @ Kuttaimani (A1), S/o.Tamilpandi. ... Petitioner/Accused.

In CRLMP No:2588/2020

Vs

State through the Inspector of Police,

Austinpatti P.S. Cr.No.275/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.C.Karthikeya, Advocate for the petitioner in Cr.M.P.No.2587/2020 and Cr.M.P.No.2588/2020, and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1.Bail applications u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 294(b), 324 and 307 of IPC.

3. Heard.

4. Considered the argument of the both sides. The learned counsels for the petitioners in Cr.M.P.Nos.2587/2020 & 2588/2020 would submit that a case has been registered against the accused in Cr.No.275/2020 of Austinpatti P.S. U/Sec. 294(b), 324 and 307 of IPC, the date of occurrence was on 19.5.2020, the petitioners were arrested on 20.5.2020 and they are in judicial custody for the past 17 days, due to previous motive, on the date of occurrence, the petitioners beat the defacto complainant, and the injured discharged from the hospital on 2.6.2020. The learned public prosecutor would submit that there are 2 accused in this case, A1 Manikandan assaulted the defacto complainant with sword on his shoulder and A2 Saravanan @ Samy Saravanan assaulted him

knife on chest, one previous case is pending against A1 u/s. 302 IPC and 6 previous cases are pending against A2 and he placed his objection. In reply, the learned counsel for the petitioners would submit that only 2 cases are pending against the A2 and 2 cases are disposed. Considering the period of incarceration for the past 17 days, the injured discharged from the hospital and the weapons used for commission of offence were recovered by the police during the investigation, this Court is inclined to grant bail to the petitioners in Cr.M.P.Nos.2587/2020 & 2588/2020 on condition.

7. In the result, the Petitioner in Cr.M.P.Nos.2587/2020 & 2588/2020 are ordered to be enlarged on bail on their executing own bond each for Rs.10,000/- to the satisfaction of the **Superintendent, District Jail, Theni.** 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/- each 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. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they 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 5th day of June -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Austinpatti P.S.
3. The Superintendent, District Jail, Theni.
4. The Petitioner through his counsel.