

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.

CrI.M.P.No.262/2020

E.Jey Singh, S/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. Anticipatory Bail application u/s 438 of Cr.P.C.
2. The offences alleged are under sections 294(b), 323, 506(ii) of IPC. & Sec. 4 of TNPWH Act and 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 apprehends of arrest at the hands of police for the alleged offence u/s. 294(b), 323, 506(ii) of IPC. & Sec. 4 of TNPWH Act and 406 of IPC. False case has been foisted against the petitioner. Already interim anticipatory bail granted to the petitioner on 9.1.2021 and the matter 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 anticipatory bail already granted.

5. The learned public prosecutor submitted that totally there are 2 accused in this case, the petitioner is arrayed as A2. The petitioner 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 A1 pledged 16-1/2 sovereign jewels of the wife of defacto complainant, in Canara bank and obtained loan Rs.2,20,000/- in the name of A1 and paid the amount to the defacto complainant. Now, the defacto complainant is ready to redeem the jewels and paid the amount. But, the A1 has denied to receive the amount 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 father who is arrayed as A1, scolded the defacto complainant in filthy languages, assaulted the defacto complainant and his wife with stick, the petitioner/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 anticipatory bail granted to the petitioner on 9.1.2020. It is stated that investigation has been completed and charge sheet has been laid. Already interim anticipatory bail granted to the petitioner on 9.1.2020. The case is pending as CC 128/2020 before the Judicial Magistrate, Thirumangalam. Considering the above facts the interim anticipatory bail already granted to the petitioner may be made absolute.

7. In the result, the interim anticipatory 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 18th 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.