

In the Court of the Principal District Judge, Madurai.

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

Principal District Judge, Madurai.

Tuesday, this the 9<sup>th</sup> day of June -2020.

CrI.M.P.No.2652/2020

1.Murugesan,S/o.Sundaram

2.Vimal Kumar,S/o.Murugesan

3.Deepan,S/o.Ramamoorthy

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Melur,P.S. Cr.No.791/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.M.P.Amalan, 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. 294(b), 323, 324, 341, 447, 307 and 506(ii) of IPC.

3. The defacto complainant/intervening petitioner has filed an intervening petition and he is permitted to assist the public prosecutor.

4. Heard.

5. Considered the argument of the both sides. The learned counsel for the petitioner would submit that a case has been registered against the accused in Cr.No.791/2020 of Melur P.S. U/Sec. 294(b), 323, 324, 341, 447, 307 and 506(ii) of IPC, the date of occurrence was on 27.5.2020 and the petitioners were arrested on the same date and they are in judicial custody for the past 14 days, the injured discharged from the hospital on 5.6.2020, as per prosecution case, the AI attacked the defacto complainant, the petitioners are arrayed as A2 to A4 and there is no specific overt act on the part of A2 to A4, the A3 beat with Kattai as per version of F.I.R and prays to grant bail.

6. The learned counsel for the intervene petitioner would submit that this is the second attempt, on 9.5.2020 the same accused already attempted to kill the defacto complainant, the accused went to the house of defacto complainant and he escaped from them and this is the second attempt, there is a motive between the defacto complainant and the accused, the defacto complainant is the President of Vellaripatti Panchayath, the AI is still absconding, the accused are continuously threatening the defacto complainant, they are taking the law and order in hand and the rowdy elements indulging in same kind of activities and hence, strongly objected to allow this petition.

7. The learned public prosecutor would submit that the injured is the President of Vellaripatti Panchayath, there was a dispute between the defacto complainant and the petitioners, in respect of land allotting the land for Valli ball ground, they are already indulging in similar kind of activities, in the earlier attempt the accused stabbed one Pitchai, who is the driver of defacto complainant, the defacto complainant questioned about the activities of the accused, and hence, the accused indulged in this occurrence, the A2 and A4 caught hold the defacto complainant, AI assaulted him with Aruval, A3 beat him with Kattai on his shoulder and he placed his objection to allow this petition.

8. This Court carefully perused the material records of the case and rival submissions put forth on both sides. On perusal of records, the A2 and A4 caught hold the defacto complainant, the AI assaulted him with Aruval and A3 beat his with Kattai and caused contusion. Considering the overt act on the part of the petitioners and also considering the the period of incarceration for the past 14 days, this Court is inclined to grant bail to the petitioners on condition.

9. In the result, the Petitioners are ordered to be enlarged on bail on their executing own bond for Rs.10,000/- each to the satisfaction of the **Superintendent, Sub Jail, Thirumangalam.** 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 cooperate 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 9<sup>th</sup> day of June -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Melur, P.S.
3. The Superintendent, Sub Jail, Thirumangalam.
4. The Petitioner through his counsel.