

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.

CrI.M.P.No.2751/2020

1.Irudhayaprakash(Prakash),S/o.James

2.Satham Hussain(Sadham),S/o.Mohamed Ali

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Anna nagar,P.S. Cr.No.1041/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.N.Sabarimalai, 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. 399 of IPC.

3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that a case has been registered against the accused in Cr.No.1041/2020 of Anna Nagar P.S. U/Sec. 399 of IPC, the date of occurrence was on 26.5.2020, the petitioners were arrested on the same date and they are in judicial custody for the past 11 days, and prays to grant bail. The learned public prosecutor would submit that the petitioners were prepared for committing the offence of dacoity and he has placed his objection. Considering period of incarceration for the past 11 days, and considering the fact that the weapons

used for preparation of committing the was recovered by the police during the investigation, this Court is inclined to grant bail to the petitioner on condition.

5. In the result, the Petitioners are ordered to be enlarged on bail on his executing own bond for Rs.10,000/- each to the satisfaction of the **Superintendent, Sub Jail, Melur**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.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 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, Anna nagar, P.S.
3. The Superintendent, Sub Jail, Melur.
4. The Petitioner through his counsel.