

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 14th day of July -2020.

Crl.M.P.No.3188/2020

Soundarapandian @ Soundarapandiyan,
S/o.Muthukumar

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Sellur P.S. Cr.No.1882/2020

... 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 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. 341, 394 and 506(ii) of IPC.

3. Heard.

4. 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.1882/2020 of Sellur P.S. U/Sec. 341, 394 and 506(ii) of IPC. The date of occurrence was on 21.6.2020. The petitioner was arrested on 22.6.2020 and he is in custody for the past 23 days. The case of prosecution is that on 21.6.2020 at about 5 p.m., the defacto complainant was proceeding to SBM Coffee Bar at Sellur. The petitioner demanded money from the defacto complainant which was refused by him. Thereafter, the petitioner attacked him with deadly weapon and robbed money. The injured discharged from the hospital and prays to grant bail.

5. The learned public prosecutor while advancing his argument has submitted that he placed 2 objections. The first objection is, the defacto complainant sustained head injury and the another objection is there are 7

previous cases are pending against the accused. One case is U/s. 397 IPC, another case is U/s. 379 IPC, yet another case is U/s. TNPPDL Act and other cases U/s. NDPS Act. Considering the period of incarceration for the past 23 days and the robbed amount was also recovered by the investigation officer, this Court is inclined to grant bail to the petitioner.

6. In the result, the Petitioner is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- 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 each for Rs.10,000/- 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 14th day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

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