

**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 7<sup>th</sup> day of July -2020.**

**Crl.M.P.No.3239/2020**

M.Raja, S/o.Mani

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Chatrapatti P.S. Cr.No.305/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.D.Ragunathan, 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 section 294(b), 341, 307, 147, 148, 120(b) of IPC.
3. The learned counsel for the intervening petitioner/defacto complainant 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 date of occurrence was 1.6.2020, already co-accused were enlarged on bail by this Court. The learned counsel for the petitioner would further submit that as per prosecution, on 1.6.2020, the defacto complainant was taking Mangoes in a TATA Ace, the accused have assaulted the defacto complainant with weapon. But the real fact is that the defacto complainant is having illicit intimacy with one Nagaraj's wife. The Nagaraj warned the defacto complainant somany times , inspite of

that he continued the illegal relationship with Nagaraj's wife. One Raja is the brother of the said Nagaraj. Therefore, it is stated that both the said Nagaraj and Raja organized the other accused to assault the defacto complainant. The injured took treatment and discharged from the hospital. There is no direct motive as against the defacto complainant and the petitioner is aged about 19 years and he was not present in the occurrence place at the time of occurrence.

6. The learned public prosecutor and the learned counsel for the intervening petitioner submitted that there are totally 5 accused in this case and one Raja has instigated these petitioners to assault the defacto complainant and the petitioners are hooligans. The accused waited two days to attempt to commit murder of the defacto complainant. The said Raja supplied weapons for the assault of the defacto complainant. The injured has been discharged from the hospital. Further the learned public prosecutor would submit that the accused gone to the Thoppu, where, the injured Jeyakumar working along with other 3 accused and the other 3 accused assaulted the said Jeyakumar, while he was unloading the coconut. The petitioner was present in the place of occurrence and under the direction of the Nagaraja, the other accused assaulted the injured. This petitioner was hiding in the Thoppu, because the said Jeyakumar knew this petitioner very well. This petitioner identified the said Jeyakumar to other 3 accused, and they assaulted the injured. Considering the fact that there is no specific overt act on the part of the petitioner and the other co-accused have been granted bail by this Court in Cr.M.P.No.2994/2020 dated 30.6.2020 and in Cr.M.P.No.3186/2020 dated 1.7.2020, and substantial part of investigation is over, this court is inclined to grant anticipatory bail to the petitioner on condition.

5. In the result, in the event of arrest or on his surrender before the Court concerned, the Petitioner is ordered to be enlarged on anticipatory bail on

his executing own bond for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond 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.

(ii) The petitioner shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) 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 7<sup>th</sup> day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

**Copy to**

1. The Judicial Magistrate concerned
2. The Inspector of Police, Chatrapatti P.S.
3. The Petitioner through his counsel.