

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

**Crl.M.P.No.3290/2020**

1. U.Vadivel @ Shanmugavadivel, S/o.Ukkirapandi
2. U.Karthik, S/o.Ukkirapandi
3. S.Bala @ Balamurugan, S/o.Sethu
4. M.Manoj, S/o.Malaiyali
5. R.Kannan, S/o.K.Ramachandran ... Petitioners/Accused.

**Vs**

State through the Inspector of Police,

Silaiman P.S. Cr.No.886/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.G.Sundarapandi, 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 U/s. 147, 148, 294(b), 324, 427 and 506(ii) of IPC
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that the respondent police has registered a case against accused in Cr.No.886/2020 U/Sec. 147, 148, 294(b), 324, 427 and 506(ii) of IPC. The date of occurrence was on 3.7.2020. This is a case and a case in counter. The injured discharged from the hospital and prays to grant anticipatory bail to the petitioners.

5. The learned Public Prosecutor would submit that the date of occurrence was on 3.7.2020 and the main accused is Al. The 1<sup>st</sup> petitioner/Al beat the defacto complainant on the shoulder. The injured discharged from the hospital after taking treatment for 5 days and he raised strong objection in granting anticipatory bail as against the 1<sup>st</sup> petitioner stating that there are 7 previous

cases pending against him and as against other petitioners, the learned public prosecutor has not raised any serious objection. Therefore, this court is inclined to grant anticipatory bail to the **petitioners 2 to 5** on condition. As far as the 1<sup>st</sup> petitioner is concerned, this court is not inclined to grant anticipatory bail to him.

6. In the result, in the event of arrest or on their surrender before the Court concerned, the **Petitioners 2 to 5** are ordered to be enlarged on anticipatory bail on their executing own bond each 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 petitioners 2 to 5 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.

(ii) The petitioners 2 to 5 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.

**7. As far as the 1<sup>st</sup> petitioner is concerned, the anticipatory bail petition is dismissed.**

Pronounced by me in Camp Court on the 14<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, Silaiman P.S.
3. The Petitioner through his counsel.