

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.

PRESENT: THIRU. M.THANDAVAN, B.L.,

(I Additional District & Sessions Judge, Madurai)

PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.

(AUTHORISED U/S.10(3) OF CR.P.C.)

Friday, this the 24th day of July -2020.

CrI.M.P.No.3429/2020

Iniyan, S/o. Gurusamy

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Subramaniyapuram, P.S. Cr.No.727/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Devasahayam, 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. 9(B)(1)(b) of Explosives Act, Sec. 147, 148, 307 and 506(ii) of IPC.

3. Heard.

4. The case of the petitioner is that the date of occurrence was on 31.5.2020, initially the case was registered u/s. 147, 148, 307 and 506(ii) IPC and subsequently alteration report filed U/s. 9(B)(1)(b) of Explosives Act, the A1 to A5 were surrendered before the Subramaniyapuram P.S. and remanded on 6.6.2020, the A4 was released on bail on 10.6.2020 and other accused were released on bail by this Court in Cr.M.P.No.3127/2020 dated: 29.6.2020. Further, one of the co-accused was granted anticipatory bail by this Court in Cr.M.P.No.3135/2020 dated: 29.6.2020. The petitioner was implicated in this case on the basis of confession statement given by the A1. The petitioner is the only bread winner of his family. The injured discharged from the hospital on the same date. The petitioner is residing at Rajapalayam and he has got no previous case.

5. It is argued on the part of respondent that the petitioner is 8th accused in this case, the petitioner is alone absconding and all the other accused were

arrested and released on bail, investigation is not yet been completed, the petitioner inflicted head injuries to injured person. The injured discharged from the GRH on the same date due to pandemic situation and he has taken treatment in private hospital, he has discharged from the hospital after taken treatment for 19 days. He placed his objection in granting anticipatory bail to the petitioner.

6. This court carefully perused the records and the arguments of both sides. It is admitted by both sides that the co-accused were arrested and released on bail. This accused alone is not subjected to judicial custody. It is pointed out by the counsel for the petitioner that the accused Saravanan was released on anticipatory bail by this Court in Cr.M.P.No.3135/2020 dated: 29.6.2020. But, it is strongly opposed by the prosecution that the petitioner would abscond if he released on anticipatory bail, the petitioner happens to be a person not abiding the law. Hence, the version put forth by the prosecution is believable and the petition deserves to be dismissed.

7. In the result, the anticipatory bail petition is dismissed.

Pronounced by me in Camp Court on the 24th day of July -2020.

Sd/-M.Thandavan,

Principal Sessions Judge (i/c.),Madurai.

Copy to

1. The Judicial Magistrate concerned.