

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.3430/2020

1.Arun,S/o.Silenthiran

2.Anand,S/o.Silenthiran

3.Ajai,S/o.Silenthiran

4.Sabi,S/o.JohnBasha

5.Ajaikumar @ Avut,S/o.Arokiajayaraj

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Karimedu,P.S. Cr.No.1123/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.C.Senthamilselvan, 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 under section 438 of Cr.P.C.

2. The offences alleged are under section 147, 341, 294(b), 324 and 506(ii) of IPC

3. Heard both sides.

4. The case of the petitioner is that the date of occurrence was 16.7.2020, totally there are 5 accused in this case, the petitioners are A1 to A5, this is a case and a case in counter, the father of the A1 has given complaint against the father of the defacto complainant, only in order to escape from the criminal liability in the complaint given by the father of the A1, the defacto complainant has lodged false complaint against these petitioners, the injured treated only as outpatient. The petitioners are ready to abide any condition imposed by this court and prays to grant anticipatory bail to the petitioners.

5. It is argued on the part of the respondent that totally there are 5 accused in this case, no one arrested in this case, this is a case and a case in counter, the date of occurrence was 16.7.2020, the defacto complainant and his brother were returned from the death ceremony, at that time, the petitioners assaulted them and caused head injuries, the injured persons discharged from the hospital on 17.7.2020. He placed his objection.

6. A careful perusal of the records and the arguments of both sides indicates that the injured discharged from the hospital. The injuries are simple in nature. Therefore, it is held that the petition has got to be allowed.

7. In the result, in the event of arrest or on their surrender before the Court concerned, the Petitioners 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 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 petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioners 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 24th day of July -2020.

Sd/-M.Thandavan,

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

Copy to

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