

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Friday, this the 14th day of August -2020.

Crl.M.P.No.3640/2020

Ajithkumar @ Kuttai Ajith, S/o.Anand

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Jaihindpuram P.S. Cr.No.716/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.V.Saravanan, 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. 399 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.716/2020 of Jaihindpuram P.S. U/Sec. 399 of IPC. The date of occurrence was on 21.5.2020. The petitioner was arrested on the same date and he is in custody for the past 86 days. Already co-accused has been granted bail by this Court and he prays to grant bail to the petitioner.

5. The learned public prosecutor while advancing his argument has submitted that the petitioner along with other accused assembled near Jeevar Nagar 1st street, Tennis club and found with possession of Masala pocket, Kattai and knife in order to make preparation for the offence of dacoity. There are 11 previous cases pending against the petitioner. He raised strong objection in granting bail to the petitioner. The petitioner is in custody for the past 86 days. Considering the period of incarceration of the petitioner for the past 86 days, this Court is inclined to grant bail to the petitioner on condition.

6. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Central Prison, Madurai.** After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each 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 August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Jaihindpuram P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.