

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

**CrI.M.P.No.3642/2020**

Pandidurai @ Pandithurai, S/o.Balu

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Koodalpuur P.S. Cr.No.1265/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.C.Karthikeya, 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 application u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 147, 148, 294(b) and 307 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.1265/2020 of Koodalpuur P.S. U/Sec. 147, 148, 294(b) and 307 of IPC. The date of occurrence was on 27.7.2020. The petitioner was arrested on 29.7.2020 and he is in judicial custody for the past 17 days. The injured discharged from the hospital on the very next date i.e. on 28.7.2020. Already co-accused have been granted anticipatory bail by this Court in Cr.M.P.No.3553/2020 dated: 6.8.2020. He prays to grant anticipatory bail to the petitioners.

5. The learned public prosecutor while advancing his argument has submitted that totally there are 5 accused in this case and the petitioner is Al. The petitioner assaulted the defacto complainant with reaper kattai on the back side of head. The injured discharged from the hospital on 28.7.2020. He placed his objection in granting bail to the petitioner. The petitioner is in custody for the past 17 days. Considering the fact that the injured discharged from the

hospital and considering the incarceration period undergone by the petitioner, 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, District Jail, Theni.** 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 14<sup>th</sup> day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

**Copy to**

1. The Judicial Magistrate concerned
2. The Inspector of Police, Koodalpudur P.S.
3. The Superintendent, District Jail, Theni.
4. The Petitioner through his counsel.