

**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.**

**Crl.M.P.No.3651/2020**

1. K.Selvam, S/o.Kasi
  2. S.Ramesh, S/o.Selvaraj
  3. Asha @ Asha Devi, W/o.Selvam
- ... Petitioners/Accused.

**Vs**

State through the Inspector of Police,

Tallakulam P.S. Cr.No.1793/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.Arul, 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. 341, 294(b), 324 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.1793/2020 U/Sec. 341, 294(b), 324 and 506(ii) of IPC. The date of occurrence was on 3.8.2020. The case of the prosecution is that the A1 and A2 assaulted the defacto complainant and A3 induced the other accused in commission of the offence. The injured discharged from the hospital and prays to grant anticipatory bail to the petitioners.

5. The learned Public Prosecutor while advancing his argument has submitted that totally there are 3 accused in this case. The 2<sup>nd</sup> petitioner/ A2 Ramesh is the prime accused in this case. The A2 beat the injured with iron rod in his leg. The injured discharged from the hospital. He placed his objection in granting anticipatory bail to the petitioners. It is alleged that the 2<sup>nd</sup> petitioner beat the injured with iron rod. Therefore, considering the overt act on the part of the 2<sup>nd</sup> petitioner, this court is not inclined to grant anticipatory bail to the 2<sup>nd</sup>

petitioner. As far as the petitioners 1 and 3 concerned, they have no specific overt act and considering the fact that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the **petitioners 1 and 3** on condition.

6. In the result, in the event of arrest or on their surrender before the Court concerned, the **petitioners 1 and 3** 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 1 and 3** 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 1 and 3** 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 2<sup>nd</sup> petitioner is concerned, the anticipatory bail petition is dismissed.**

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, Tallakulam P.S.
3. The Petitioners through his counsel.