

**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.)**

**Thursday, this the 20<sup>th</sup> day of August -2020.**

**CrI.M.P.No.3717/2020**

1. Mathan, S/o.Sangaiya
  2. M.Thennarasu, S/o.Maruthappa Thevar
  3. Hariharan, S/o.M.Thennarasu
  4. Rasammal @ Rajeswari, W/o.Sangaiya
- ... Petitioners/Accused.

Vs

State through the Inspector of Police,

Kallikudi P.S. Cr.No.1117/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.A.Marhandavarman, 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. 324 and 506(ii) IPC.
3. Heard.

4. The case of the petitioners is that totally there are 4 accused in this case, this is a case and a case in counter, there is no specific overt act against all the petitioners, the injured discharged from the hospital. The petitioners are ready to abide any condition imposed by this court and prays to grant anticipatory bail.

5. The learned public prosecution has submitted that the 2<sup>nd</sup> petitioner assaulted the injured with lever, which was in the hand of the injured. The date of occurrence was on 30.7.2020. The injured discharged from the hospital on 6.8.2020, after taking treatment for 7 days. This is a case and a case in counter. The counter case crime number is 1116/2020. He placed his objection in granting anticipatory bail to the petitioners.

6. On perusal of the records it is revealed that the injured discharged from the hospital. There is no significant and serious objection on the part of the prosecution. Therefore, considering the facts of the case, it is held that the petition has got to be allowed.

5. 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 each 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 make 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)** Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 20<sup>th</sup> day of August -2020.

Sd/-M.Thandavan,

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

Copy to

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