

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 20th day of August -2020.

CrI.M.P.No.3731/2020

1. Vijay, S/o.Ganesan
2. Dhandapani, S/o.Pandi
3. Karthik @ Dora Karthik, S/o.Pandi ... Petitioners/Accused.

Vs

State through the Inspector of Police,

Subramaniyapuram P.S. Cr.No.1225/2020 ... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.P.Jegadeesan, 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 petition under section 439 of Cr.P.C.
2. The offences alleged are under section 399 of IPC.
3. Heard both sides.
4. The learned counsel for the petitioners would submit that the date of occurrence was on 9.8.2020 and the petitioners were arrested and remanded to judicial custody on the same date and they are in judicial custody on for the past 12 days. Properties have been recovered. Hence prays to grant bail to the petitioners.
5. The learned public prosecutor would submit that the petitioners along with other accused have made preparation to commit dacoity. All the petitioners are involved in a murder case in Thideer Nagar police station Cr.No. 160/2012

and the 3rd petitioner is involved in another murder case in Subramaniapuram police station, further the 1st petitioner is involved in 4 theft cases. Hence he objected to grant bail to the petitioners.

6. In reply, the learned counsel for the petitioners would submit that all the previous cases against the petitioners are disposed off and ended in acquittal.

7. Considered the argument of both side. The petitioners have been in judicial custody for the past 12 days. The learned public prosecutor objected to grant bail to the petitioners, since the petitioners are having previous cases. The learned counsel for the petitioners would submit that the previous cases were disposed off. As far as this case is concerned, the petitioners are in judicial custody for the past 12 days. Under such circumstances, considering the incarceration period of the petitioners for the past 12 days and the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners on condition.

6. In the result, the Petitioners are ordered to be enlarged on bail on their executing an own bond each for Rs.10,000/- to the satisfaction of the **Superintendent, District Jail, Virudhunagar**. 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. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they 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 20th 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, Subramaniyapuram P.S.
3. The Superintendent, District Jail, Virudhunagar.
4. The Petitioners through his counsel.