

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.3736/2020

1. Prakash @ Karumpuselvam, S/o.Kallanai
2. Mokkasamy, S/o.Kallanai
3. Pradeep, S/o.Kallanai
4. Shanthi, W/o.Kallanai
5. Sathish, S/o.Chellasamy

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Melur P.S. Cr.No.1526/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.Sethupathi, 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. 147, 341, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPWH Act.

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.1526/2020 of Melur P.S. U/Sec. 147, 341, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPWH Act. The date of occurrence was on 5.8.2020.

There was a civil dispute between the parties. Civil dispute is pending before the RDO Court and Civil Court. Only wordy quarrel arose between the parties. The injured was discharged from the hospital, hence prays to grant anticipatory bail to the petitioners. The learned public prosecutor has objected to grant bail stating that there are totally 8 accused in this case. The accused assaulted the injured with aruval and caused injuries to him. Already civil dispute is pending between the parties. The injured has been discharged from the hospital on 15.8.2020. This is a case and counter case.

5. Considering the fact that the injured had been discharged from the hospital and this is being a case and counter case, and also considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition.

6. 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 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.

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