

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.3738/2020

1. Ganapathi, S/o.Vettai
2. Murugan, S/o.Ganapathi
3. Ganesan, S/o.Ganapathi

... Petitioners/Accused.

Vs

State through the Inspector of Police,

M.Kallupatti P.S. Cr.No.554/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.Manikandan, 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. 294(b),323, 324, 506(ii) IPC and Section 4 of TNPWH Act.
3. Heard.
4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that a case has been registered against the accused in Cr.No.554/2020 of M.Kallupatti P.S. U/Sec. 294(b),323, 324, 506(ii) IPC and

Section 4 of TNPWH Act. The date of occurrence was on 10.8.2020. There was a civil dispute between the parties. This is a case and counter case. The injured has not taken treatment in the hospital. The petitioners are agriculturalist, hence prays to grant anticipatory bail to the petitioners. The learned public prosecutor has submitted that there was dispute between the parties in demarking the boundary of the lands. The accused pelted stones and inflicted injuries on the fore head of the defacto complainant. The injured has not taken treatment for the alleged injuries. Counter case has been registered in Cr.No. 555/2020.

5. Considering the fact that no one was hospitalized 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, M.Kallupatti P.S.
3. The Petitioners through his counsel.