

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 21st day of August -2020.

Crl.M.P.No.3747/2020

1. Poovarasan, S/o.Murugan

2. Kathirvel, S/o.Murugan

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Saptur P.S. Cr.No.1761/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.IyappaKathirvel, 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.pc.

2. The offences alleged are U/s. 294(b), 323, 341 and 506(i) of IPC.

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.1761/2020 of Saptur P.S. U/Sec. 294(b), 323, 341 and 506(i) of IPC. The date of occurrence was on 11.8.2020. The injured discharged from the hospital on 12.8.2020. He prayed to grant anticipatory bail to the petitioner.

5. The public prosecutor while advancing his argument has submitted that totally there are 8 accused in this case. The petitioners are arrayed as A1 and A2. The date of occurrence was on 11.8.2020. The petitioners along with other

accused assaulted the defacto complainant with empty milk cane on his head. The injured discharged from the hospital. He placed his objection in granting anticipatory bail to the petitioners. Considering the fact that the injured discharged from the hospital, 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 21st day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

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