

**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 21<sup>st</sup> day of August -2020.**

**CrI.M.P.No.3756/2020**

Akash Tamizhan,S/o.Marimuthu

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Anna nagar,P.S. Cr.No.1411/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.Vairaveeran, 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 application U/s. 439 of Cr.pc.
2. The offences alleged are U/s. 147, 148, 294(b), 342, 449, 307 & 506(ii) of IPC.
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.1411/2020 of deer Anna Nagar P.S. U/Sec. 147, 148, 294(b), 342, 449, 307 & 506(ii) of IPC. The date of occurrence was on 25.7.2020. The petitioner is A3. There was motive only between the 1<sup>st</sup> Accused and the defacto complainant, the petitioner has no direct motive with the defacto complainant, he has been falsely implicated in this case. Already co-accused have been granted bail by this Court in Cr.M.P.Nos.3583/2020 & 3662/2020 dated: 7.8.2020 & 17.8.2020 and hence 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 petitioner is arrayed as A3. The date of occurrence was on 25.7.2020. All the accused stabbed the injured with knife on his write hand, wrist and left elbow. Already there was a motive between the AI and the injured person. The injured discharged from the hospital. He placed his objection in granting anticipatory bail to the petitioner. Considering the fact

that the injured discharged from the hospital and co-accused have been granted bail by this Court in Cr.M.P.Nos.3183/2020 & 3662/2020 dated: 7.8.2020 & 17.8.2020, this court is inclined to grant bail to the petitioner on condition.

6. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Sub Jail, Thirumangalam**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses, he shall not induce witnesses and he 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 21<sup>st</sup> day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

**Copy to**

1. The Judicial Magistrate concerned
2. The Inspector of Police, Anna nagar, P.S.
3. The Superintendent, Sub Jail, Thirumangalam.
4. The Petitioner through his counsel.