

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.

CrI.M.P.No.3757/2020

Muthukumar @ Pattakumar,S/o.Palpandi

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Keeraithurai,P.S. Cr.No.412/2019

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Chandrabose, 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.p.c.
2. The offences alleged are U/s. 147, 148, 448, 506(ii) and 302 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.412/2019 of Keeraithurai P.S. U/Sec. 147, 148, 448, 506(ii) and 302 of IPC. The date of occurrence was on 18.4.2019. The petitioner was arrested on 18.4.2019 and he is in custody for the past 452 days. The case of the prosecution is that on 18.4.2019, the defacto complainant made a complaint before the respondent police station stating that in front of his residence, at Chinthamani one M.S. Pandi was attacked with deadly weapons. Thereafter, he was taken to hospital, where he was declared as dead. There was a motive between the family members of the petitioners and the defacto complainant. The petitioner was detained under Goondas Act and he has completed detention period. Already co-accused have been granted bail by this Court. The petitioner is in custody for the past 452 days and he prays to grant bail.

5. The learned public prosecutor while advancing his argument has submitted that the deceased was an advocate by name M.S. Pandi and he was murdered by the accused. The deceased was murdered by the petitioner near the Election Booth on the date of election. Totally 12 accused in this case. The

petitioner has used the rifle for the commission of the murder. The petitioner was detained under Goondas Act and he has completed the detention period. There was a dispute between the family of the deceased and accused family and there are more chances for retaliation murder. He placed his objection. The petitioner is in judicial custody for the past 452 days. Investigation is over. All the co-accused have been granted bail by this Court. Considering the incarceration period of the petitioner for the past 457 days, and considering the fact that the final report has been filed before the Court, 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 each for Rs.10,000/- to the satisfaction of the **Superintendent, Central Prison, Madurai**. 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 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, Keeraithurai, P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.