

**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.3758/2020**

Kasirajan @ BB Kulathan Kasi,S/o.Rajenthiran ... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Koodal pudur,P.S. Cr.No.952/2020 ... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.J.Kasiviswanathan, 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 applications u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 392, 397 and 506(ii) of IPC.

3. Heard.

4. Considered the argument of the both sides. The learned counsels for the petitioner would submit that a case has been registered against the accused in Cr.No.952/2020 of Koodalpudur P.S. U/Sec. 392, 397 and 506(ii) of IPC. The date of occurrence was on 25.5.2020, the petitioner was arrested on the same date and he is in judicial custody for the past 89 days. The petitioner was detained under Goondas Act and it was revoked. The property has been recovered and prays to grant bail.

5. The learned public prosecutor would submit that the petitioner was detained under Goondas act and it was revoked on 7.8.2020 as per G.O.Rt.No.3275. All the co-accused have been granted bail by this Court, in Cr.M.P.No.2624/2020 and 2728/2020 dated: 4.6.2020. Therefore, considering the incarceration period of the petitioner for the past 89 days and the robbed amount has been recovered, 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, 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 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, Koodal pudur, P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.