

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.3760/2020 and 3765/2020

Sudharsan,S/o.Palpandi

...Petitioner/Accused in
Crl.M.P.No.3760/2020.

Asaithambi,S/o.Duraipandi

...Petitioner/Accused in
Crl.M.P.No.3765/2020.

Vs

State through the Inspector of Police,

Melur,P.S. Cr.No.1284/2020

... Respondent/Complainant
in all petitions.

Thes petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Malaimuthan, Advocate for the petitioner in Crlmp No.3760/2020 and Thiru.K.Chandrakumar, Advocate for the petitioner in Crlmp No.3765/2020 and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Common Order

1. Bail applications u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 448, 294(b), 427, 323, 324, 307 & 506(ii) of IPC & Sec. 4 of TNPWH Act.
3. Heard.
4. Considered the argument of the both sides. The learned counsel for the petitioners in Cr.M.P.Nos.3760/2020 & 3765/2020 would submit that the respondent police has registered a case against accused in Cr.No.1284/2020 U/Sec. 448, 294(b), 427, 323, 324, 307 & 506(ii) of IPC & Sec. 4 of TNPWH Act. The date of occurrence was on 19.7.2020. The petitioners were arrested on 23.7.2020 & 19.7.2020 and they are in custody for the past 30 days and 34 days. The injured discharged from the hospital. Already co-accused have been granted bail by this Court in Cr.M.P.No.3646/2020 dated: 14.8.2020. He prays to grant bail to the petitioner.

5. The learned public prosecutor has submitted that all the accused tress passed into the house of defacto complainant, assaulted him with wooden log and damaged the house hold articles. The injured discharged from the hospital after taking treatment for 11 days. He placed his objection. The petitioners are is in custody for the past 30 days and 34 days. Therefore, considering the fact that the injured discharged from the hospital and the incarceration period of the petitioners, this Court is inclined to grant bail to the Petitioners Cr.M.P.Nos.3760/2020 & 3765/2020 on condition.

6. In the result, the Petitioners in Cr.M.P.Nos.3760/2020 & 3765/2020 are ordered to be enlarged on bail on their executing own bond each for Rs.10,000/- to the satisfaction of the **Superintendent, Central Prison, Madurai**. After a period of 6 weeks, the petitioners 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 petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they 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, Melur, P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.