

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.3761/2020

1.Mouthan,S/o.Kumar

2.Mouli,S/o.Ramachandran

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Subramaniyapuram,P.S. Cr.No.1225/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Ramkumar, 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. 399 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.1225/2020 of Subramaniyapuram P.S. U/Sec. 399 of IPC. The date of occurrence was on 9.8.2020. The petitioners were arrested on the same date and they are in judicial custody for the past 13 days. The case of prosecution is that the accused made preparation for committing the offence of dacoity with deadly weapons. The petitioners have not committed any offence and prays to grant bail. The learned public prosecutor would submit that the petitioners were made preparation for committing the offence of dacoity. The petitioners have no previous case. He objected in granting bail to the petitioner. Considering period of incarceration of the petitioners for the past 13 days and considering the fact that the weapons used for preparation of committing the offence were recovered by the police during the investigation, this Court is inclined to grant bail to the petitioners on condition.

5. In the result, the Petitioners 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, Subramaniyapuram, P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.