

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.3778/2020

Velu @ Velmurugan, S/o.Arumugam

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Koodal Pudur P.S. Cr.No.1265/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Jayapal, 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. Anticipatory Bail application u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 147, 148, 294(b) and 307 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.1265/2020 of Koodalpudur P.S. U/Sec. 147, 148, 294(b) and 307 of IPC. The date of occurrence was on 27.7.2020. The injured discharged from the hospital on the very next date i.e. on 28.7.2020. Already co-accused were enlarged on bail. He prays to grant anticipatory bail to the petitioner. The learned public prosecutor while advancing his argument has submitted that totally there are 5 accused in this case, the petitioner is arrayed as A2. Already co-accused has been enlarged on bail, and the petitioner has been implicated in this case, based on the confession of the co-accused. The injured discharged from the hospital on 28.7.2020. He raised objection in granting anticipatory bail to the petitioner. Considering the that the injured had been discharged from the

hospital and co-accused were granted anticipatory bail and substantial part of investigation is over, this Court is inclined to grant anticipatory bail to the petitioner on condition.

5. In the result, in the event of arrest or on his surrender before the Court concerned, the Petitioner is ordered to be enlarged on anticipatory bail on his executing own bond for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- 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.

(ii) The petitioner shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) 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, Koodal Pudur P.S.
3. The Petitioner through his counsel.