

In the Court of the Principal District Judge, Madurai.
Present : Tmt.N.Nagalakshmi, M.A., B.L.,
Principal Sessions Judge (Incharge), Madurai.
(Authorized U/s 10(3) of Cr.P.C)
Thursday, the 1st day of October, 2020.
Cr1.M.P.No.4031/2020

1. Nagaraj @ Ajith Nagaraj, S/o Subramani
2. Pandiarajan @ Pandu, S/o Pandi ... Petitioners/Accused

/vs/

State through the Inspector of Police,
Thideer Nagar P.S.
Cr.No.792/2020 ... Respondent/Complainant

This petition is coming up today before me for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.R.Gopinath, Advocate for the petitioners 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. 392 r/w 397 and 506(ii) of IPC.
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that the respondent police has registered a case against accused in Cr.No.792/2020 U/Sec. 392 r/w 397 and 506(ii) of IPC. The petitioners are A1 and A2. The occurrence is said to have happened on 28.08.20 and the petitioners were remanded to judicial custody on the very same day and they are in custody for the past 35 days. He admits that two previous cases are pending against each accused in which the petitioners were granted bail and they are regularly appearing before the trial court and considering the custody period prays to grant bail to the petitioners with any stringent condition.

5. The case of the prosecution is that on 28.08.2020 at about 09:30 a.m. the petitioners have threatened the defacto complainant and robbed Rs.300/-. The learned Public Prosecutor while advancing his arguments has submitted that the robbed amount was recovered from the accused during investigation and two previous cases of similar nature are pending against A1 and A2, however he placed his objections to release the petitioners on bail.

6. Considering the period of incarceration of the petitioners i.e. 35 days and that

the robbed amount has been recovered, this Court is inclined to grant bail to the Petitioners on condition.

7. In the result, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.10,000/- each along with two sureties each for a like sum each to the satisfaction of Judicial Magistrate No.5, Madurai subject to condition that after release the petitioners shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.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 even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560**. Accordingly this petition is allowed.

Pronounced by me in camp court on the 1st day of October, 2020.

Sd/- N.Nagalakshmi,
Principal District Judge (I/C),
Madurai.

Copy to

1. The Judicial Magistrate No.5, Madurai.
2. The Inspector of Police, Thideer Nagar P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioners through his counsel.