

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 23rd day of January -2021.

Crl.M.P.No.408/2021

G.Sarath, S/o.Gubendran

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thirumangalam Taluk P.S. Cr.No.1544/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.R.John Jeyaseelan Jacop, 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 438 of Cr.P.C.
2. The offences alleged are under sections 147, 148, 341, 324 and 307 of IPC
3. Heard both.
4. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The respondent police has registered a case against the petitioner and other for the offences under sections 147, 148, 341, 324 and 307 of IPC. The petitioner apprehends arrest at the hands of police. The defacto complainant is an accused for the offence u/s 302 and Pocso Act. The petitioner is relative of the deceased girl in that case. The name of the petitioner did not find place in the FIR. In order to take revenge, the defacto complainant has foisted this false case against the petitioner. Already co-accused were enlarged on bail by this Court on

20.1.2021. The injured discharged from the hospital. Hence he prays to grant anticipatory bail to the petitioner.

5. The learned public prosecutor submitted that on 14.12.2020, when the defacto complainant returned back to his home after attending a hearing in Pocco Court, the accused along with others were wrongfully restrained him and attacked him with lethal weapon and caused injuries. The injured was discharged from the hospital on the next day. Investigation is pending and he placed his objection.

6. The petitioner along with other accused are said to have attacked the defacto complainant with lethal weapons and caused injuries in order to murder him, consequently, the present case came to be registered. The learned public prosecutor fairly submit that the injured discharged from the hospital on the very next day. Therefore, considering the fact that the injured discharged from the hospital and co-accused were already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner on condition.

7. In the result in the event of arrest or on his surrendering before the Court concerned the petitioner is ordered to be enlarged on anticipatory bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate Thirumangalam subject to the following conditions:-

(i) The petitioner shall surrender before the Court concerned within 15 days from today without fail.

(ii) After release the petitioner shall appear and sign before the Inspector of police , respondent police station **daily twice at 10.00 a.m and 5.00 p.m.,until further orders.**

(iii) The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of 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 anticipatory bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in Open Court on the 23rd day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.Thirumangalam.
2. The Inspector of Police, Thirumangalam Taluk P.S.
3. The Petitioner through his counsel.