

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.
CrI.M.P.No.4339/2020

Saravanakumar @ Saravanan, S/o Pitchai

... Petitioner/Accused

/vs/

State through the Inspector of Police,
M.Chatrapatti P.S.
Cr.No.1086/2020

... 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.V.Chidhambaram, 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 294(b), 506(i) of IPC and 3 of TNPPDL Act and 4 of TNPWH Act.

3. Heard. Considered the arguments of both side. The learned counsel for the petitioner would submit that case has been registered against the accused in Crime No.1086/2020 by the respondent P.S. u/s 294(b), 506(i) of IPC and 3 of TNPPDL Act and 4 of TNPWH Act as if the petitioner damaged the water tap and threatened the defacto complainant; the petitioner is innocent and no previous case is pending against the petitioner; he is in custody for the past 18 days; considering the period of custody the petitioner may be enlarged on bail with any stringent condition.

4. Per contra, the learned Public Prosecutor would submit that the petitioner is the single accused in this case. On 13.09.2020 at about 05:30 p.m. the accused abused in filthy language and criminally intimidated the defacto complainant and damaged the water tap due to dispute in taking water from the panchayat board pipe line, hence the present case. The learned Public Prosecutor while advancing his arguments has stated that the damage is estimated at Rs.500/- and no previous case is pending against the petitioner, however, in view of the pending investigation he objected to enlarge the petitioner on bail.

5. Considering the period of incarceration i.e. 18 days and that no previous case

is pending against the accused and that nobody was injured in the said occurrence, this court is inclined to allow the bail application on condition.

6. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate No.5, Madurai subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.m. until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he 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, M.Chatrapatti P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.