

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.
Crl.M.P.No.4346/2020

1. Paulraj, S/o Mahalingam
2. Chitra Devi, W/o Paulraj
3. Seenivasan, S/o Mahalingam
4. Muthukumar, S/o Seenivasan

... Petitioner/Accused

/vs/

State through the Inspector of Police,
Oomachikulam P.S.
Cr.No.1288/2020

... 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.U.Prabhakar, 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. Anticipatory Bail application u/s 438 of Cr.P.C.
2. The offences alleged are u/s 147, 148, 294(b), 341, 323, 324 and 506(ii) of IPC.
3. Heard. Considered the arguments of both side. The learned counsel for the petitioners would submit that case has been registered against the accused in Crime No.1288/2020 by the respondent P.S. u/s 147, 148, 294(b), 341, 323, 324 and 506(ii) of IPC. Totally there are 5 accused in this case and the petitioners are A1, A2, A4 and A5 and they are family members. The petitioners are no way connected with the alleged offence and they are innocent. The person said to have been injured is discharged from hospital. The petitioners apprehend that they would be arrested by the respondent police and prayed to grant anticipatory bail to the petitioners with any stringent condition.
4. The case of the prosecution is that totally there are five accused; one accused ranked as A2 has been subsequently deleted from the charge sheet; on 19.09.2020 the petitioners herein assaulted the defacto complainant who is an Ex-Service man due to previous enmity; A2 attacked the defacto complainant by using wooden log; others beat with hands; hence the present case. The learned Public Prosecutor while advancing his

arguments has stated that injured after taking 2 days inpatient treatment discharged from the hospital and no previous case is pending against the petitioners, however, in view of pending investigation, he placed his objections to allow the petition.

5. Considering the existence of prior enmity between the parties and the fact that injured has been discharged from hospital and that this is the only criminal case pending against the accused, this court is inclined to grant anticipatory bail to the Petitioners on condition.

6. In the result in the event of arrest or on their surrendering before the Court concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- each with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.2, Madurai subject to the following conditions:-

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

(ii) The petitioners shall appear and sign before the Inspector of police, respondent police station daily at 010.00a.m. until further orders.

(iii) The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

9. 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**. Accordingly, the 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.2, Madurai.
2. The Inspector of Police, Oomachikulam P.S.
3. The Petitioners through their counsel.

