

In the Court of the Principal District Judge, Madurai.

Present : Tmt.N.Nagalakshmi, M.A., B.L.,

Principal District Judge (Incharge), Madurai.

Thursday, this the 01st day of October -2020.

Crl.M.P.No.4399/2020

Solaiappan,S/o.Moorthy

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Tallakulam,P.S. Cr.No.1922/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.P.Pandidurai, 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. Bail application under section 439 of Cr.P.C.
2. The offences alleged are under section 392 r/w. 397 and 506(ii) of IPC and Sec. 25(1-A) of Arms Act.
3. Heard both sides.
4. The petitioner counsel would submit that a case was registered against the petitioner U/s. 392 r/w. 397 and 506(ii) of IPC and Sec. 25(1-A) of Arms Act and the present petitioner is arrayed as A4. The petitioner has no previous case. The co-accused were granted bail by this Court in Cr.M.P.Nos.4191/2020 & 4301/2020 dated: 24.9.2020 & 25.9.2020. The date of occurrence was on 2.9.2020. The petitioner was remanded on 3.9.2020 and he is in custody for the

past 29 days. Hence, the bail petition may be considered on any stringent condition.

5. In reply, the learned public prosecutor stated that there are totally 4 accused in this case. The petitioner along with other accused committed robbery of Rs.600/- from the defacto complainant by showing the sword and also threatened him. The petitioner has no previous case. He objected to release the petitioner on bail.

6. Upon hearing the rival submissions, it reveals that the robbed amount in this case is Rs.600/-. The robbed amount was also recovered. Already, the co-accused were granted bail by this Court in Cr.M.P.Nos.4191/2020 & 4301/2020 dated: 24.9.2020 & 25.9.2020. Considering the above said facts, this Court is inclined to grant bail to the petitioner on condition.

7. 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.2, Madurai subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00 a.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 Open 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, Tallakulam, P.S.
3. The Superintendent Central Prison Madurai.
4. The Petitioner through his counsel.