

In the Court of the Principal Sessions Judge, Madurai.

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

Principal Sessions Judge, Madurai.

Monday, this the 18th day of January -2021.

Crl.M.P.No.5263/2020

Murugan, S/o.Subramani

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Kadupatti P.S. Cr.No.1460/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.P.Chandran, 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 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC @ 302 of IPC.
3. Heard both sides.
4. The learned counsel for the petitioner would submit that a case has been registered against the petitioner in Cr.No.1460/2020 of Kadupatty PS. U/Sec. 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC @ 302 of IPC. The petitioner was arrested and remanded to judicial custody on 20.9.2020 and granted interim bail on 27.11.2020, since the wife of the petitioner is also co-accused in this case requires medical treatment with the assistance of this petitioner. The petitioner is arrayed as A2 in this case. There is no specific overt act against this petitioner. It is alleged that the petitioner along with other accused assaulted the deceased and his brother with wooden log and weapons.

He was falsely implicated in this case, since he is the brother of the 1st accused. Subsequently other accused were also granted bail. Investigation is over, hence he prays made the interim bail already granted.

5. The learned public prosecutor would submit that totally there 5 named accused and one another in this case. The petitioner is arrayed as A2. The case of prosecution is that the defacto complainant is having property at Melakkal village, Vadipatti Taluk and the property was maintained by the younger brother of the defacto complainant. The A2 has entered into the lease agreement for the above said property for a sum of Rs.20,000/- and the same was threatened by A2. Hence, the defacto complainant has filed a civil suit and obtained stay order from the court. During the pendency of suit, the son of defacto complainant namely Deepan Chakravarthy has lodged the complaint before the respondent police and the same was enquired. In the meantime, the sons of defacto complainant has entered into the disputed property and kept household articles into the house. At that time, all the accused attacked the deceased and his brother. The deceased was sustained severe injury and died in the hospital on 21.9.2020. Already interim bail granted to the petitioner on 27.11.2020, Investigation is pending only want of serological report.

6. It is stated that Investigation is pending only want of serological report, and charge sheet is yet to be filed after the receipt of serological report. Already interim bail granted to the petitioner on 27.11.2020. The learned public prosecutor has fairly stated that 90 days has been completed. Considering the above facts the interim bail already granted to the petitioner may be made absolute.

7. In the result, the interim bail already granted to the petitioner is made absolute and petitioner shall appear and sign before the respondent police station daily twice at 10.00 a.m. and 5.00 p.m., until further order. 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.**

Pronounced by me in Open Court on the 18th day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.Vadipatti.
2. The Inspector of Police, Kadupatti P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.