

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Monday, this the 4th day of May 2020.

CrI.M.P.No.2160/2020

1. R.Gowtham, S/o.Rajapandi
 2. R.Deivajothi, W/o.Rajapandi
- ... Petitioners/Accused.

Vs

State through the Inspector of Police,

Checkanoorani P.S. Cr.No. 381/2020

.. Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Tmt.S.Kalaivani, 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 u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 294(b), 353, 323, 324 and 506(ii) of IPC.

3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that a case has been registered against the accused in Cr.No.381/2020 of Checkanoorani P.S. U/Sec. 294(b), 353, 323, 324 and 506(ii) of IPC, the petitioners were arrested on 15.4.2020 and they are in judicial custody for the past 20 days. The learned public prosecutor would submit that totally 2 accused in this case, during lock down period, on 15.4.2020 the petitioners ride in a bike, the police has adviced them to stay in house safely, the Al pelted stone on the police, the injured discharged from the hospital and he has no objection to allow this petition. Considering the fact that the injured discharged from the hospital and considering the incarceration period of the petitioners for the past 20 days, this court is inclined to grant bail to the Petitioners on condition.

5. In the result, the 1st Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent,**

Sub Jail, Melur and the 2nd Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Sub Jail, Nilakkottai**. After a period of 8 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond each for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they 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 order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in *P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560*. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 4th day of May 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Checkanoorani P.S.
3. The Superintendent, Sub Jail, Melur
4. The Superintendent, Sub Jail, Nilakkottai.
5. The Petitioner through his counsel.