

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 4<sup>th</sup> day of May 2020.

CrI.M.P.No.2123/2020

G.Hariharan, S/o.Ganesan @ Naibadu Ganesan ... Petitioner/Accused.

Vs

State through the Inspector of Police,

Sellur P.S. Cr.No.497/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.P.Kumarasamy, 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. 341, 392, 397 and 506(ii) of IPC.

3.Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that a case has been registered in Cr.No.497/2020 of Sellur P.S U/s. 341, 392, 397 and 506(ii) of IPC against the accused, the petitioner was arrested on 24.3.2020 and he is in judicial custody for the past 42 days, he has been completed 18 years as on 20.3.2020 and he is aged about 18 years. Per contra, the learned public prosecutor would submit that previously, the petitioner is involved in a murder case. In reply, the learned counsel for the petitioner would submit that the accused was juvenile at the time of previous occurrence and it could not be treated as he is having previous case. Considering the incarceration period of the petitioner for the past 42 days and substantial part of investigation is over, this court is inclined to grant bail to the Petitioner on condition.

5. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Central Prison, Madurai.** After a period of 8 weeks, the petitioner should

surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, 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 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 4<sup>th</sup> day of May 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Sellur P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.