

IN THE COURT OF THE III ADDL DISTRICT JUDGE (PCR), MADURAI  
PRESENT: Thiru.M. Thandavan, B.L.,  
III Additional District and Sessions Judge (PCR)(FAC),  
Madurai.

Tuesday, the 18<sup>th</sup> day of August 2020  
Cr.L.M.P.No. 431/2020

1. Sangili

S/o. Mariyappan.

2. Arunkumar

S/o. Irulandi

3. Maruthupandi

S/o. Ramaraj

... Petitioner/ Accused No.1,2,3

//vs//

State through Deputy superintendent of Police,

Peraiyur Police Station,

Madurai District.

( Cr. No. 2482/2020)

... Respondent/complainant.

This petition coming before me today for hearing in the presence of Thiru. Iyappa Kathirvel, Counsel for petitioners and of Thiru. A. Kalyanasundaram, Special Public Prosecutor for respondent and upon perusing the petition, objection, material papers on record and upon hearing the argument of both sides and having stood over for consideration, this court passed the following :

### **ORDER**

This bail application u/s. 439 is received from Advocate Thiru. Iyappa Kathirvel, through e-mail on 13.08.2020.

1. This petition for bail U/s. 439 CrPC filed by th the petitioners for the offences U/s. 294(b), 323, 341, 342, 354 and 506(i) IPC and 4 of TNPWH Act and U/s. 3(1) (r), 3(1)(s). of SC/ST (POA) Act. The petitioners were remanded to the judicial custody on 06.08.2020. It is argued on the part of petitioners that the petitioners have not involved in any case as alleged by the prosecution and it is argued that the

petitioners are ready to abide by any condition that would be imposed by the court.

2. In spite of the notice regarding the petition, the defacto complainant namely the victim has not appeared before the court. Therefore it is deemed that the victim has waived his right to object this application. But it is objected on the part of the respondent that the petitioners have willfully committed the offences as stated in the FIR.

3. It is also objected by the respondent that the investigation is pending and if the petitioners are released on bail, the petitioners would tamper the witnesses. It is also objected that another accused namely one Chinnaraja has to be secured and if the petitioners are released on bail, the petitioners would repeat the offence.

4. A careful perusal of the records indicates that the petitioners are in the custody for the past twelve days. Admittedly the injured has taken treatment as an out patient. Therefore it is evident that the injured is not in the hospital. Hence by taking the duration of the custody of the petitioners and taking treatment as the out patient by the injured into consideration and by considering the nature of injuries said to have been sustained by the complainant, it is held that the custody of the petitioners is no longer required and the petitioners are entitled to be released on bail.

5. In the result it is ordered that the petitioners / accused will be released on bail on executing own bond for Rs.10000/- each in favour of the Superintendent of the Sub Jail, Melur, and the petitioners/accused are directed to appear before this court on or before 10.9.2020 by 10.00 a.m and also produce two sureties for a sum of Rs.10000/- each to the petitioners / accused satisfaction of this court. Further the petitioners / accused are directed to appear before the concerned police station on every Monday at 10.00 a.m and sign without fail until further orders.

Pronounced by me in open court this the 18<sup>th</sup> day of August 2020.

/Sd./ M. THANDAVAN,  
III Additional District Judge(PCR)(FAC),  
Madurai.