

In the Court of the Principal District Judge, Madurai.

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

Principal District Judge, Madurai.

Tuesday, this the 12th day of May - 2020.

CrI.M.P.No.2305/2020

Suresh, S/o.Pandi @ Durairpandi

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Subramaniyapuram P.S. Cr.No.613/2020

.. Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.P.Karthick, 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), 397, 506(ii) of IPC. R/w. 25(1)(a) Arms Act

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.6/2020 of CCB Madurai U/Sec. 294(b), 397, 506(ii) of IPC. R/w. 25(1)(a) Arms Act, the petitioner was arrested on 4.5.2020 and he is in judicial custody for the past 9 days. He would further submit that the occurrence is said to have happened opposite to the police station, the accused house is situated in Muthupatti and he is used to cross the check post through the Palanganatham police and therefore, he could not carry a patta knife as alleged by the prosecution. Per contra, the learned public prosecutor would submit that the petitioner has found in possession of patta knife and committed robbery of Rs.300/- from the defacto complainant, further there are 3 previous cases pending against the petitioner. On perusal of the list given by the public prosecutor shows that the previous cases against the petitioner is of the year 2010, 2012 and 2014 and he has not committed any offence for the past 5 years, therefore, considering the period of incarceration of the petitioner for the past 9

days and the robbed amount of Rs.300/- was also recovered by the investigation officer, 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, District Jail, Virudhunagar.** After a period of 6 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 12th day of May - 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Subramaniyapuram P.S.
3. The Superintendent, District Jail, Virudhunagar
4. The Petitioner through his counsel.