

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 11th day of May - 2020.

CrI.M.P.No.2201/2020

M.Kannan @ **Usadi Kannan** (*)

S/o.Muthu

(*Amended as per orderin Cr.M.P. No.

2402/2020 dated 14.5.2020)

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Serious Crime Wing P.S. Cr.No. 645/2015

.. Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.NA.Manimaran, 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. 380, 302 @ 147, 148, 120(B), 449, 396 and 380 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.645/2015 of Serious Crime Wing U/Sec.380, 302 @ 147, 148, 120(B), 449, 396 and 380 of IPC, the petitioner was arrested on 23.2.2020 and he is in judicial custody for the past 73 days, at the time of occurrence, the petitioner was 19 years old and one of the co-accused has been granted bail by this Court. Per contra, the learned public prosecutor would submit that it is a case of murder for gain, even though the occurrence was happened in the year 2015, the accused was secured only in the year 2020, the offence is serious in nature and strongly objected to allow this petition. It is stated that the occurrence happened

in the year 2015 and at the time of occurrence, the petitioner was aged about 19 years. Substantial part of investigation is over. Considering the incarceration period of the petitioner for the past 73 days, 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, Theni**. 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 11th day of May - 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Serious Crime Wing P.S.
3. The Superintendent, District Jail, Theni.
4. The Petitioner through his counsel.