

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.

Wednesday, the 12<sup>th</sup> day of August 2020

CrI.M.P.No. 423/2020

Selvam @ Selvakumar (45/2020) (A2)

S/o. Narayanasamy.

... Petitioner/ Accused No.2

//vs//

State through Inspector of Police,

Austinpatti Police Station,

Madurai District.

( Cr. No. 983/2020)

... Respondent/complainant.

This petition coming before me today for hearing in the presence of Thiru N. Selvaraj, 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. M. Selvaraj, through e-mail on 31.07.2020.

The case of the prosecution is that the offences are u/s 294(b), 323, 506(ii) of IPC r/w section 4 of TNPHW Act and section 3(1)(r), 3(1)(s), 3(2) (va) of SC/ST Act. The date of occurrence is 28.7.2020 and the date of remand is 30.7.2020. The investigation has been completed and the injured discharged from the hospital.

It is argued on the part of the respondent that on 28.7.2020 a wordy quarrel arose between the petitioner and the complainant and the petitioner attacked the complainant and his wife by a wooden stick. The injured was discharged from the hospital.

The written objection has been filed by the victim in this case that there is a possibility of attack from the accused if the accused is released on bail and there is threat to the life of the victim.

The offences u/s 294(b), 323, 506(ii) of IPC, section 4 of TNPHW Act and section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act. The date of occurrence was 28.7.2020, on the same day the accused was remanded. Totally there are three accused in this case. This petitioner is the 2<sup>nd</sup> accused. The petitioner was remanded on 29.7.2020. By considering the duration of the custody of the petitioner and by considering the discharge of the injured from the hospital, it is held that the petitioner is entitled to be enlarged on bail as the petitioner assured before the court that he would furnish sufficient sureties to secure the presence of the petitioner.

Therefore it is ordered that the petitioner / accused will be released on bail on executing own bond for Rs.10000/- in favour of the Superintendent of the District Jail, Theni. And the accused is directed to appear before this court on 9.9.2020 by 10.00 a.m and also produce two sureties for a sum of Rs.10000/- each to the satisfaction of this court. Further the accused is 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 12<sup>th</sup> day of August 2020.

III Additional District Judge(PCR)(FAC),  
Madurai.