

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.

Friday, the 7<sup>th</sup> day of August 2020

CrI.M.P.No. 426/2020

1. Muthu Irul, (A1)

S/o. Kannan,  
Pallivasal street,  
Dabethar Santhai,  
Samayanallur,  
Madurai.

2. Vijayakumar @ Vijay, (A3)

S/o. Kannan,  
Pallivasal street,  
Dabethar Santhai,  
Samayanallur,  
Madurai.

3. Balakumar @ Beedibala, (A14)

S/o. Dhanagopal,  
Pallivasal street,  
Dabethar Santhai,  
Samayanallur,  
Madurai.

... Petitioners/ Accused No.1, 3 & 14

//vs//

1. The Deputy Superintendent of Police,

Samayanallur Range,  
Madurai District.

2. The Inspector of Police,  
Samayanallur Police station,  
in Cr. No. 161/2019

Madurai District.

... Respondent/complainant.

3. Premalatha (aged 23 years)

W/o. Niruban Chakaravarthy,  
Kaliyamman koil street,  
Dabethaar Santhai,  
Samayanallur,  
Madurai.

... Respondent / Defacto complainant.

This petition coming before me today for hearing in the presence of

Thiru J. William Christopher, 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. J. William Christopher, through e-mail on 4.8.2020.

2) The offences u/s 147, 148, 452, 294(b), 342, 506(ii), 302 IPC and section 4 of Tamilnadu Prohibition of Harassment of Women Act and section 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act. The date of occurrence is 11.7.2019. Totally there are 15 accused. These petitioners are A1, A and A14. Except these petitioners all other accused were granted bail. These petitioners were subsequently detained under Goondas Act. The Goondas detention has been set aside by the Hon'ble High court in HCP.No.1112/19 and HCP.No. 1169/19 on 24.7.2020 and HCP.No.1110/19 dated 3.8.2020 and the petitioners are in the custody for more than one year. The petitioners are ready to furnish sufficient sureties for securing the presence of them.

3) It is argued on the part of the respondent that as per the First Information Report, there were only 6 accused. The other accused have been implicated only as per the confession given by the 1<sup>st</sup> accused. A1 and A14 were remanded on 24.7.2019. A3 was remanded on 11.7.2019. The investigation is over and the charge sheet was laid, on the basis of which Spl. S.C.No.41/19 is pending before this court. The complainant is present and made her objection that there is threat on the part of the petitioners and the complainant is under the apprehension of murder again by these petitioners if they are released on bail as there is threat from the petitioners. The deceased

was the husband of this complainant.

4) A careful perusal of the records indicates that these petitioners are in the custody for more than one year. Admittedly the petitioners were detained under the Goondas Act and the detention under the Goondas Act for the petitioners has been set aside by the Hon'ble High court as argued by the petitioner's counsel. It is not denied by the respondent that the petitioners are still in the detention under the Goondas Act. Therefore it is apparent that the petitioners are not in the detention under the Goondas Act. Admittedly the remaining accused were already released on bail. It is admitted by the respondent that the investigation is over and the charge sheet has been filed. Therefore the detention for the offence as stated by the prosecution is no longer necessary in this case. Hence the objection raised by the complainant is also taken into consideration. Since the other accused have already been released on bail, the version put forth by the complainant that there is threat only from these petitioners is not at all sustainable. Therefore this court holds that the petitioners are entitled to be released on bail.

Therefore it is ordered that the petitioners / accused will be released on bail on executing own bond for Rs.10000/- in favour of the Superintendent of the Central Prison, Madurai. And the accused are 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 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 7<sup>th</sup> day of August 2020.

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

