

IN THE COURT OF THE III ADDL DISTRICT COURT (PCR), MADURAI

PRESENT: Thiru.M. Thandavan, B.L.,  
III Additional District and Sessions Judge (PCR),  
(Full Additional Charge)  
Madurai.

Monday the 7th day of September 2020

Cr.L.M.P.No. 459 / 2020

Cr. No. 1820 / 2020

Sankar @ Balachandar

S/o. Krishnan

... Petitioner/ Accused No. 1

//vs//

State through Deputy Commissioner of Police,

K.Pudur Police Station,

Madurai District.

( Cr. No. 1820 / 2020)

... Respondent/complainant.

This petition coming before me today for hearing in the presence of Thiru. E. Sathish Rajkumar, Counsel for petitioner and of Thiru. S. Arivudainambi , 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. E. Sathish Rajkumar, through e-mail on 25.08.2020.

1. This petition for bail U/s. 439 CrPC filed by the petitioner for the offences U/s. 294(b), 323, 427, 448, 506(ii) IPC and r/w Sec 3(1)(s), 3(2)(va) of SC/ST Act. It is argued on the part of the petitioner that the petitioner has been remanded to the judicial custody 27.07.2020 and it is further argued that the case is a false one.

2. The case of the prosecution is that both the complainant and the petitioner are residing in the same locality and on 25.07.2020 about 10.00p.m. the defacto complainant and her grand daughters were sleeping 10.00p.m. in their house and the petitioner created annoyance and committed the offences as stated in the FIR. The case of the petitioner is that the petitioner has not involved himself in any such act. Due to the previous motive a false complaint has been given and the petitioner is ready to abide by any condition that would imposed by the court.

3. The complainant is present and objected to release the petitioner on bail under the apprehension that the petitioner would continue to do the same offences if he is released on bail. The documents filed herewith have been perused. Though Section 323 of IPC has also been incorporated in the FIR, there is no one injured even as per the recitals in the FIR as pointed out by the petitioner's counsel. Hence by taking the nature of offences said to have been committed by the petitioner and the fact that no one is injured even as per the FIR and the duration of the custody of the petitioner into consideration it is held that the petitioner has to be released on bail.

4. In the result it is ordered that the petitioner / accused will be released on bail on executing own bond for Rs.10000/- each infavour of the Superintendent of the Central Prison, Madurai and the petitioner/accused is directed to appear before this court on or before 14.10.2020 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 petitioner / accused is directed to appear before the concerned police station on every day at 10.00 a.m and sign without fail for one month.

Pronounced by me in open court this the 7th day of September 2020.

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