

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.

Tuesday the 8th day of September 2020

Cr.L.M.P.No. 457 / 2020

Cr. No. 1695 / 2020

Sankar @ Balachandar

S/o. Krishnan

... Petitioner/ Accused No. 1

//vs//

State through Assistant Commissioner of Police,

K. Pudur Police Station,

Madurai District.

(Cr. No. 1695 / 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), 324, 506(ii) IPC r/w 3(1)(r), 3(1)(s) 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 27.06.2020 about 10.00 a.m. the defacto complainant then his cousin brother Alagu and his grandmother were standing in front of his house during the time the petitioner scolded in caste abusive

terms and bit the right index finger of defacto complainant and criminally threatened them.

3. The case of the petitioner is that the petitioner having permanent residence and the petitioner is ready and willing to offer substantial sureties. It is also argued that the petitioner will not abscond if he is release on bail. It is also argued on the part of the petitioner that if the accused is released on bail, he will not tamper the witness.

4. It is objected on the part of the respondent that if the petitioner is released on bail the petitioner would cause harm to the family of victim and the petitioner may tamper the witnesses and abscond. The victim is very much present in the court and also objected that the family of the victim is under the apprehension of any assault that would be caused by the petitioner and objected to release the petitioner on bail.

5. A careful perusal of records indicate that the petitioner is in the custody from 27.07.2020 namely 43 days. Admittedly the injured has been discharged from the hospital. Hence by taking the discharge of the victim from the hospital and the duration the custody of the petitioner into consideration it is held that the petitioner has to be released on bail.

6. 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 8th day of September 2020.

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