

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Wednesday, this the 12th day of October -2022.

Crl.M.P.No.5437/2022 & 5450/2022.

Ramaguru, S/o.Ramu

... Petitioner/Accused.
In Crl.M.P.No.5437/2022.

Madhan (A5), S/o.Ramar

... Petitioner/Accused.
In Crl.M.P.No.5450/2022.

Vs

State through the Inspector of Police,
Keerathurai P.S. in Cr.No.537/2022

... Respondent/Complainant.
in both petitions.

These petitions coming on today for hearing before me in the presence of Thiru.P.Chinnarasa, Advocate for the petitioner in Crl.M.P.No.5437/2022, Thiru.N.Pandivelrajan, Advocate for the petitioner in Crl.M.P.No.5450/2022, and of Thiru.M.A.Palanisami, Public Prosecutor for the state, this court passed the following:

Common Order

1. Bail application in Cr.M.P.Nos.5437/2022 u/s 439 of Cr.P.C.
2. Anticipatory Bail application in Cr.M.P.No.5450/2022 u/s 438 of Cr.P.C.
3. The offences alleged are u/s 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC.
4. Heard both.

5. As per the case of the prosecution, the defacto-complainant is residing at Anuppanadi Ponnupillaithoppu, Madurai. On 11.09.2022, the defacto-complainant and his friends were watching the entertainment programmes conducted in lieu of Immanuvel Sekaran Guru Poojai. The defacto-complainant and his friends belong to Rokkupandi group and there is enmity between them in respect of a previous murder case. While the defacto-complainant and his friends are watching the said programmes, the accused persons came there and abused the defacto-complainant and his friends in filthy language, assaulted them by knife, stones, iron rod, wooden log and caused injuries to them. They criminally intimidated the public and flew away from the place of occurrence. As a result, the defacto-complainant and his three friends sustained injuries and admitted in hospital. Hence, the complaint against 15 persons.

6. The learned counsel for the petitioner/A2 in Cr.M.P.Nos.5437/2022 would submit that the respondent police has registered a case against the petitioner and others in Cr.No.537/2022 u/s 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC. The petitioner has not committed any offences as alleged by the prosecution. Counter case in Crime No.536/2022 is pending between the parties. Injured discharged from hospital. No previous case is pending against the petitioner. There is no specific overt act against the petitioner. The co-accused persons were granted bail/anticipatory bail by this court. The petitioner was arrested and remanded to judicial custody on 12.09.2022 and he is in prison for the past 31 days. Investigation is almost over. The petitioner is ready to abide by any conditions that would be imposed by this court and prayed to grant bail to the petitioner.

7. The learned counsel for the petitioner/A5 in Cr.M.P.No.5450/2022 reiterated the arguments put forth by the learned counsel for the petitioners/A2 and further stated that the petitioner apprehends arrest at the hands of police, that he is ready to abide by any conditions that would be imposed by this court and prayed for grant of anticipatory bail to the petitioner.

8. The learned Public Prosecutor submitted that totally there are 15 accused persons in this case and the petitioners are A2 and A5. A2 was arrested and remanded to judicial custody on 12.09.2022. A5 is seeking anticipatory bail. He narrated the case of the prosecution. In this case four persons were injured. Counter case in Crime No.536/2022 is pending between the parties. People of both groups have been injured and discharged from hospital. This court has granted anticipatory bail to A1, A10, A13, A14 & A15 on 22.09.2022. A11 & A12 were granted anticipatory bail by this court on 23.09.2022. Arrested A7 was released on bail by this court on 27.09.2022. A3 and A4 were granted anticipatory bail by this court on 28.09.2022. A2 has 4 previous cases including 2 murder cases. A5 has one previous case u/s 397 of IPC. Investigation is pending and placed objections to grant bail/ anticipatory bail to the petitioners.

9. The petitioners/A2 & A5 along with the co-accused persons, due to previous enmity, are said to have abused the defacto-complainant and his friends in filthy words, assaulted them, attempted to murder them and caused injuries to them and also criminally intimidated them, consequently the present case has been registered against the petitioners. On perusal of FIR, it is noted that a group clash is said to have been taken place at the time of celebration of Immanuel Sekaran Guru Poojai. The defacto-

complainant and others belong to one group. The petitioners and others belong to another group. People of both groups are stated to have been injured and now discharged from hospital. Counter case in Crime No.536/2022 is pending between the parties. The co-accused persons were granted bail/anticipatory bail by this court. The petitioner/A2 is in judicial custody for the past 31 days. The petitioner/A5 is seeking anticipatory bail. Considering the duration of custody of arrested A2, the discharge of injured, the nature of offences, the pendency of counter case between the parties in Crime No.536/2022, the granting of bail/anticipatory bail to the co-accused persons by this court and the facts and circumstances of this case, this court is inclined to grant bail/anticipatory bail to the petitioners on conditions.

In the result, **the petitioner in Cr.M.P.Nos.5437/2022 is ordered to be enlarged on bail** on his executing a bond for Rs.25,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate No.4, Madurai subject to conditions.

(i) That after release the petitioner shall appear and sign before the Inspector of police, respondent police station **daily at 05.00 p.m. until further orders.**

(ii) The petitioner shall co-operate with the trial and he shall not threaten the witnesses.

(iii) 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 even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

In the event of arrest or on his surrendering before the Court concerned **the petitioner in Cr.M.P.No.5450/2022 is ordered to be enlarged on anticipatory bail** on his executing a bond for a sum of Rs.25,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.4, Madurai subject to the following conditions:-

(i) The petitioner shall surrender before the Court concerned within 15 days from today without fail.

(ii) After release the petitioner shall appear and sign before the Inspector of police, respondent police station **daily at 05.00 p.m. until further orders.**

(iii) The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

(iv) 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 even though anticipatory bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in the Open Court on the 12th day of October -2022.

Sd/- P.Vadamalai
Principal Sessions Judge,
Madurai

Copy to

1. The J.M.No.4. Madurai.
2. The Inspector of Police, Keerathurai P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioners through their counsel.