

In the Court of the I Additional District Judge, Madurai.

Present : Thiru. M. Thandavan, B.L.,

I Additional District Judge, Madurai.

Wednesday, this the 29th day of July - 2020.

Crl.M.P.No.196/2020

in

S.C.No.24/2020

Balakumar @ ThavalaBala

... Petitioner/Accused No.1

Vs

State through the Inspector of Police,

K.Pudur P.S. Cr.No. 414/2019

.. Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru. A. Gandhinathan Advocate for the petitioners and Thiru. G. Sankaran the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s 147, 148, 341, 302, 149, 120(b), 212 IPC.
3. Heard both sides.
4. The case of the petitioner is that the date of occurrence is 22.06.2019. There are totally 14 accused. Date of FIR is 22.08.2019. Date of remand is 22.08.2019. The petitioner is the 1st accused in the case. A6 to A14 were already released on bail about 3 months ago. The petitioner is in the custody for the past 319 days. Investigation has been completed and charge sheet has also been filed and the S.C.No.24/2020 is pending before this court. The petitioner and A2 to A5 have been subjected to the detention under the Goondas Act. They were subjected to the detention under the Goondas act from 09.01.2020. Earlier petition was dismissed by this court in Crl.M.P.No.7056/2019 on 09.01.2020. The petitioner is aged about 19 years. The father of the petitioner is no more. The mother of the petitioner is a flower merchant. The deceased has got several enemies as the deceased had involved in several rowdy element attitudes which has been specifically stated

even in the FIR. Due to the custody of the petitioner, the family of the petitioner is suffering a lot in the quarantine period.

It is argued on the part of the respondent that the petitioner is in detention under the Goondas Act. Therefore this petition is unsustainable. Therefore it is strictly opposed on the part of the respondent that it is not permissible to release the accused on bail.

A careful perusal of the records and the submissions put forth by both sides indicates that the petitioner is in the Judicial custody for a period of more than 319 days. But it is admitted on the part of the petitioner himself that the petitioner is in detention under the Goondas Act from 09.01.2020. The detention under the Goondas Act has not been set aside by the Hon'ble High Court. On the above ground it is strictly opposed by the respondent. When, the detention under the Goondas Act is not set aside, the petitioner is not entitled to be released on bail. Hence, it is apparent that this petition is highly pre-matured one. Hence, the petitioner can not seek for any relief in the pre-matured stage. Hence, it is held that this petition deserves to be dismissed.

In the result, the petition is hereby dismissed.

Pronounced by me in Camp Court on the 29th day of July - 2020.

Sd/- M. Thandavan B.L.,

I Additional District Judge, Madurai.

Copy to

The Inspector of Police K.Pudur P.S., Madurai.