

In the Court of the V Additional District Judge, Madurai

Present: **Thiru M.Balakumar, B.A., M.L.,**  
V Additional District Judge, Madurai

Monday the 29<sup>th</sup> day of June 2020

**Crl.M.P.Nos.330/2020 in SC No.513/2017**

Kasi @ Karthikeyan

-- Petitioner

/ Vs /

State through the Inspector of Police,  
Annanagar police station in crime no.927/2017  
Madurai City

-- Respondent

This petition is taken up today for hearing at request through e-mail / e-petition and after hearing the arguments of Thiru S.Ayyappa Raja and associates, Advocate for the petitioner and of Thiru S.Ramesh, the Addl. Public Prosecutor for the State over conference call, this court passed the following

**COMMON ORDER**

Due to national lock down for COVID-19 virus pandemic, as a result of prohibitory order u/s 144 of Cr.p.c. has been promulgated by the Government of Tamilnadu since 24.6.2020 for Madurai Corporation and in turn regular work of the subordinate judiciary has also been suspended by the Hon'ble High Court of Madras till 30.6.2020. Whereas exceptions have been granted to attend urgent works like bail depending upon the facts and circumstances of the case and also the nature of emergency. Accordingly this petition has been filed on 19.6.2020 by online and taken on file.

1. Bail application u/s 439 of Cr.p.c.
2. The offences alleged are u/s 147, 148, 302 and 506(ii) IPC.

3. The learned counsel for the petitioner stated in the petition that a case has been registered against the petitioner/ accused in Annanagar police station crime no.927/2017 u/s 147, 148, 302 and 506(ii) IPC. The petitioner was arrayed as A2 and remanded to judicial custody on 25.1.2020 by P T Warrant and he is in custody for the past 147 days. Since the accused was remanded in some other cases, he could not be able to attend the court for the hearings and hence prayed to enlarge him on bail.

4. Per contra the learned Addl. Public prosecutor submitted in the reply that the case was committed to this court and is pending in SC No.513/17. The accused has failed to cooperate for the trial proceedings and hence for the petitioner Kasi @ Karthikeyan NBW was issued on 27.8.2019. While chasing out the accused in his address, the police came to know that he is indulged in murder and robbery cases in Chennai Avadi Tan factory p.s. crime no.908/19 and was remanded in Central prison, Puzhal, Chennai. Further there are 9 previous cases pending against the petitioner in different police stations. Further the petitioner has been produced on P T Warrant before this court on 25.1.2020 and was remanded to judicial custody on 25.1.2020 and he is in custody for 147 days. If bail is granted, he would definitely hamper the witnesses and tamper the prosecution and would indulge in similar type of crimes and strongly objected to grant bail to the petitioner.

5. **Heard both side through Conference call.**

6. Considered the argument of both side. The learned counsel for the petitioner would argue that the accused was under judicial custody from 25.1.2020, nearly 147 days and further if the petitioner is enlarged on bail he will abide any condition imposed by the Hon'ble Court. Further the petitioner counsel argued that he obtained bail in all the other cases, and his aged mother is bed ridden due to the aged ailment. Any stringent condition may be imposed and the bail may be considered.

7. Per Contra, the learned Addl.Public Prosecutor vehemently argued that the accused involved in another murder case and some other robbery cases also. If he is enlarged on bail, the progress of the cases will be very difficult and he is remanded to judicial custody after a long gap of 5 months period on execution of NBW and strongly objected to grant bail to the petitioner.

8. On perusal of records, the accused namely Kasi @ Karthikeyan was under NBW from 27.8.2019 and he was under judicial custody from 25.1.2020. Considering the incarceration period, and also considering the specific plea of the petitioner counsel that the accused's mother is in bed ridden condition, this court is inclined to grant bail **on execution of bond by the accused for Rs.10000-00 before the Superintendent of Central Prison, Puzhal, Chennai** and after the normalcy resumed from the COVID-19 lock down and **after the commencement of the physical hearing and routine work of this court, the accused is directed to appear before this court along with two sureties to execute bond for Rs.10000-00 each to the satisfaction of this court. After the commencement of the regular work by this court, the accused is directed to appear and sign before this court daily at 10.00 a.m. until further orders.**

9. In the result, the petition is allowed.

Sd.M. Balakumar  
V Addl.District Judge, Madurai.

Copy to

1. The Inspector of Police, Annanagar Police Station
2. The Superintendent, Central Prison, Puzhal, Chennai
3. The petitioner through his counsel