

In the Court of the VI Additional Sessions Judge
Madurai

Present: Thiru.T.Sambath Kumar Bsc., LLB
VI Additional Additional Session Judge

Dated: 19.05.2020

CrI.M.P.No: 627/2020

in Cr.No.934/2018 of

Theppakulam P.S.

(S.C.82/2019)

Balaganesh @ Balaganesan, Aged 20/2020

:Petitioner

S/o.Balamurugan,

5/232, Ponnu Pillaithoppu,

Munichalai Road, Madurai South,

Madurai.

.. Vs..

State represented by Inspector of Police
Theppakulam P.S. Crime No: 954/2018

:Respondent

Petition filed u/s 439 Crpc. for bail.

This petition coming on for hearing through phone on today in the presence of Advocate Thiru.C.Karthikeya for the petitioner and the learned Additional Public Prosecutor for the respondent and having stood over for consideration this court delivered the following.

ORDER

Petitioner is the accused has filed this petition for bail. The learned counsel for the petitioner submitted that the respondent/complainant registered a case against the petitioner/accused under Section 147, 148, 341, 302, 506(ii) and 294(b) r/w 34 IPC and the petitioner is formally arrested and remanded on 22.10.2018 and the petitioner/accused is innocent and he has not committed any offence and he has been falsely implicated in this case and he is law abiding citizen and he will not abscond and the petitioner/accused is ready and willing to offer substantial sureties for his due appearance and the petitioner has already been released on bail but since the Commissioner passed detention order he could not be able to come out on bail and prayed for releasing the petitioner on bail.

In reply the learned Public Prosecutor has strongly objected to release the petitioner on bail as the petitioner has already been granted bail and since detention order was passed he could not be able to come out on bail and the petitioner has involved in another two cases also and prayed for dismissing the petition, but he has not made any objections for granting interim bail considering the long incarceration of the petitioner.

Case records perused. Case has been registered under section 147, 148, 341, 302, 506(ii) and 294(b) r/w 34 IPC. Date of occurrence is 18.10.2018. The petitioner has already been arrested and remanded to Judicial custody and subsequently released on bail but since detention order was passed by the Commissioner of Police he could not be able to come out on bail. It is the case of the prosecution that the petitioner along with 3 other accused committed murder of one Praveenkumar. Now the entire country is under the threat of Covid-19 virus outbreak and under lock down. Therefore the safety of every individual is paramount and therefore keeping the petitioner in the jail during lock down is not safe. The learned counsel for the petitioner submitted that the petitioner has already been granted bail since detention order was passed by the Commissioner of Police he could not able to come out on bail. Therefore considering the extraordinary circumstances this court is of the view that the petitioner can be released on interim bail. Hence considering the facts and circumstances, this court inclined to grant interim bail to the petitioner till 05.08.2020 and accordingly the petitioner is ordered to be released on interim bail on his executing a bond for a sum of Rs.10,000/- before the Jail superintendant concerned and the petitioner is directed to surrender before this court on 06.08.2020. Accordingly this petition is ordered.

Pronounced by me on this 19th day of May 2020.

Sd/- T.Sambath Kumar
VI Additional Sessions Judge,
Madurai

To
The Petitioner through counsel
The Addl. Public Prosecutor, Madurai
The Inspector of Police Theppakulam P.S., Madurai
The Superintendent, District Jail, Dindigul.