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In the Court of Chief Judicial Magistrate, Madurai.
Present: Thiru. T.V. Hemanandakumar, B.A., L.L.B.,
Chief Judicial Magistrate, Madurai .
Dated this the 29th day of April 2020, Wednesday.
Cr.M.P. No. 526/2020 in S.C.No. 343/2018

Raja @ Appala Raja
S/o. Mahalingam ...

Petitioner/Accused

Vs.

State through the Inspector of Police,
Jaihind puram Police Station,
Madurai.

in Sessions case .No.343/2018 ...

Respondent/Complainant

• This petition coming on this day for hearing before me in the presence of Thiru. John Jeyaseelan Jacob, Advocate for the petitioner and the learned Additional Public Prosecutor for the respondent and after hearing both sides over phone, this court passed the following

ORDER

- 1) Application for bail. The alleged offences u/s.341,397 and 506(ii) IPC, alleging that this petitioner /accused on 13.10.11 robbed Rs. 150/ from the defacto complainant and then threatened the life of public.
- 2) The learned counsel for the petitioner argued that the petitioner was under judicial custody in some other case and on 16.3.2020 he was brought to this court on P.T.Warrant and remanded . For the last more than 40 days he is in custody and prayed for bail. It is argued that during arrest police tortured petitioner and his leg bone was fractured and so he needs further treatment. It is also submitted that trial in this case was over and the case is pending for questioning under section 313 Cr.P.C.
- 3) The respondent contended that the accused is having 19 previous cases involving the offences of attempt to murder and murder. He was absconding for long time. It is further submitted that if released he would again abscond and would commit similar offences.

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2

4) It is seen that NBW was pending against the accused in this case and while he was in custody in connection with some other case from he was produced before this court on P.T.Warrant and remanded. The learned counsel submitted that already trial in this case is over which was admitted by prosecution. Copies of the depositions also attached with this application. As argued by the learned counsel all the ocular witnesses in this case turned hostile. The case stands posted for questionong under section 313 Cr.P.C. Now due to

spread of pandemic COVID 19 court proceedings are suspended till 03.05.2020. So only the case cannot be proceeded with further. It is seen that Honble High Court in W.P.M.D. 27401/2019 permitted the treatment of petitioner for fracture. So considering the present unusual situation and the period of detention more than 40 days this court is of the view that the petitioner has to be enlarged on bail.

5) In the result, this petition is allowed and the petitioner is ordered to be released on bail on executing a own bond for Rs.10,000/- before the Superintendent of Central Prison, Salem. And on further condition that he has to execute a fresh bond for a sum of Rs. 10000/ with two sureties for like sum to the satisfaction of this court on the date of hearing after court work resumes after lock down.

Typed by me in Computer corrected and pronounced by me , this the 29th day of April 2020.

Sd/
Chief Judicial Magistrate,
Madurai.

To

1. The petitioner thro' the Counsel.
2. The superintendent of central prison Salem,

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