

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, NAMAKKAL**

Present: Thiru.K.H.Elavazhagan, B.Sc., M.L.,  
Principal Sessions Judge,  
Namakkal.

Tuesday the 26<sup>th</sup> day of May 2020

**CMP.No.568/2020**

( Cr.No.8/2020, Tiruchengode Rural P.S., Judicial Magistrate, Tiruchengode )

Duraisamy, S/o. Nagarathinam

... Petitioner/Accused

/VS/

State by Inspector of Police,  
Tiruchengode Rural P.S.

... Respondent/Complainant

Petition filed u/s. 439 Cr.P.C. dated 21.05.2020 to release the accused on bail.

This petition is coming on this day through E-mail filed by counsel for the petitioners Thiru.G.Karthikeyan, Advocate and Thiru.K.Dhanasekaran, Public Prosecutor filed objection through E-mail for the respondent and upon hearing both sides through videoconferencing and upon perusing both side contentions, this court delivered the following:

**ORDER**

Heard both sides through videoconferencing. Perused both side contentions.

The petitioner/accused Duraisamy is seeking bail for the offences alleged to have been committed by him u/s 457 and 380 IPC in Cr. No. 8/2020 of Tiruchengode Rural PS.

The counsel for the petitioner/accused have stated in his petition, filed on E.Mail that in fact, the respondent police put up the false case against this petitioner due to create a habitual offender in the society. The petitioner submits that the petitioner was arrested by the Mohanur police on 04.03.2020 and illegally confined him in some other place. Thereafter, the petitioner relatives had filed the habeas corpus petition before the Madras High Court in HCP/11117/2020 & HCP/585/2020 on 09.03.2020 and then the petitioner was remanded by the Mohanur Police in other jurisdiction court on 12.03.2020 and then the police arrested this petitioner on P.T Warrant from Judicial Magistrate, Tiruchengode. Further he submits that his name is not mentioned in the FIR and he was nothing to do with the alleged offences and false case has been foisted against him He is in judicial custody since, 18.03.2020 in this case. He has filed this petition for the 4<sup>th</sup> time. Hence, he prays to release him on bail.

The Public Prosecutor have stated in his objection, filed on E.Mail that this petitioner/accused is having 5 previous cases as follows :

1. Mohanur P.S Cr No 342/2019 u/s 457, 380 IPC.
2. Tiruchengode Rural P.S Cr No 48/2020, u/s 457, 380 IPC.
3. Belukurichi P.S Cr No 3/2019 u/s 454, 380 IPC.
4. Paramathi PS Cr No 2/2019 u/s 454, 380 IPC.
5. Velur PS Cr No 3/2019 u/s 457.380 IPC.

Further he submits that he is habitual offender in the same type of offences. The previous bail petitions filed by this petitioner were dismissed by this court in CMP 419/2020, CMP 454/2020 and CMP 497/2020 on 21.04.2020, 30.04.2020 and 12.05.2020 respectively. Further he submits that the 4 sovereigns of jewels were recovered and investigation in this case is pending and hence, he strongly objected to release him on bail.

It is seen that the petition is filed through E.mail and hence, the court fees should be paid before this court, after the lifting off National Wide Lockdown.

It is seen that this accused is habitual offender in the same type of offences. He involved in 5 previous cases. The jewels were recovered and investigation in this case is pending. Considering his antecedent and the investigation is still pending and also considering the present situation of National Lockdown due to corona virus spreading, I am of the view that there may be chances for the spread of corona disease by not keeping social distance at the time of National Lockdown and also there is no change of circumstances from the dismissal of the previous bail petitions and hence, I am not inclined to allow this petition.

**In the result, this petition is dismissed.**

Pronounced by me in open court this the 26<sup>th</sup> day of May 2020.

Sd/- K.H.Elavazhagan,  
Principal Sessions Judge,  
Namakkal.

**To**

The Public Prosecutor, District Court, Namakkal.