

**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.578/2020**

( Cr.No.663/2020, Namakkal P.S., Judicial Magistrate No.I, Namakkal )

Boopathy, (31), (A1), S/o. Muthusamy

... Petitioner/Accused

/VS/

State by Inspector of Police,  
Namakkal P.S.

... Respondent/Complainant

Petition filed u/s. 438 Cr.P.C. dated 22.05.2020 to grant an anticipatory bail.

This petition is coming on this day through E-mail filed by counsel for the petitioners Thiru.R.Ramasamy, 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 video conferencing. Both side contentions perused.

The petitioner/accused Boopathi ( A1) is seeking Anticipatory bail for the offences alleged to have been committed by him u/s 341, 294(b), 323, 324 and 506(i) IPC concerned in Cr.No.663/2020 of Namakkal PS.

The learned counsel for the petitioner/accused stated in his petition, filed on E.Mail, that that the petitioner is innocent person and they have not committed any offences as alleged in the FIR. The petitioner is no way connected with the occurrence and he is apprehending arrest in the hands of the respondent police. Hence he prays to release him on anticipatory bail.

The learned Public Prosecutor stated in his objection that the recitals of the FIR clearly reveals the overtact of the petitioner/accused in this case. The dispute is between two groups. The RDO inquiry is pending in LIR No 16/2020 u/s 107 Cr.P.C for compromise between the parties. The co-accused were remanded to judicial custody. Further he submits that the injured are discharged from hospital and investigation is still pending. Hence, he strongly objected to release him on anticipatory 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 due to previous enmity between parties, this occurrence took place. Further it is seen that the injured are discharged from the hospital. Considering the same and also considering the present situation that the Central and State Governments have announced Nationwide

Lockdown due to COVID 19, due to which, there is urgent need and necessity to ensure social distancing in prison and thereby reducing the scope of infection, I am inclined to allow this petition.

In the result, the petitioner/accused is ordered to be released on bail in the event of his arrest and after the period of two weeks, from the date of releasing of the National wide Lockdown, due to COVID-19, the petitioner shall surrender and execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, No.1, Namakkal.**

2) The petitioner shall not tamper with evidence or witness either during investigation or trial.

3) The petitioner shall not abscond either during investigation or trial.

On breach of any of the aforesaid conditions, the learned Magistrate/Trial court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]. If the accused thereafter abscond, a fresh FIR can be registered under section 229-A IPC.

**Accordingly, this petition is allowed.**

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 Judicial Magistrate No.I, Namakkal.

Copy to

1. The Inspector of Police, Namakkal P.S.
2. The Public Prosecutor, District Court, Namakkal.