

In the Court of the Principal District Judge, Madurai

Present: **Thiru M.Balakumar, B.A., M.L.,**
V Additional District Judge, Madurai
Principal District Judge, Madurai (i/c)

Friday the 29th day of May 2020

Crl.M.P.No.2528/2020

Muthaiah

-----petitioner/Accused

/ Vs /

State through the Inspector of Police,
Subramaniyapuram P.S., Madurai in crime no.651/2020

... Respondent/Complainant

This petition is received today from the Principal District Court, Madurai as per the proceedings in A.No.90/2020 dt.19.5.2020 issued in furtherance of the instructions and advisories issued by the Hon'ble High Court for limited functioning of courts due to the spread of COVID 19 virus and taken up today for hearing at request through e-mail / e-petition and after hearing the arguments of Thiru M.Jayapal Counsel for the petitioner and of Thiru M.Tamil Chelvan, Public Prosecutor for the State over conference call, this court passed the following

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 25.3.2020 and in turn regular work of the subordinate judiciary has been advised to attend through Video conference call by the Hon'ble High Court of Madras till 31.5.2020. 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.

1. Bail application u/s 439 of Cr.p.c.

2. The offences alleged are 294(b), 392, 397 & 506(ii) of IPC

3. The learned counsel for the petitioner submitted that the petitioner is A2 and he came to Tamilnadu 3 months back and he was falsely implicated in this case only for the statistical purpose and he asked lift and was travelled as a pillion rider in a two wheeler which was driven by A1 and it is said to have a stolen property. He came to know about this fact only when he was arrested by the police and he is in custody from 18.5.2020 and he is ready to abide by the condition imposed by this court and no previous case is pending against the petitioner and prays to grant bail to this petitioner. Per contra the learned PP would argue that the petitioner was involved in a case of robbery by threatening the defacto complainant and grabbed Rs.200/- and the two wheeler and he was also involved 10 cases previously out of which 3 cases are u/s 307 IPC and also 5 cases are also u/s 397 IPC and 2 cases are u/s 379 IPC and he is in custody from 18.5.2020 and the investigation is pending and if he is granted bail he would abscond and it is difficult to secure his presence and objected to grant bail.

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

5. Considered the argument of both side. The petitioner counsel would submit that the case was foisted against the petitioner only for the statistical purpose and he is really not at all involved in this case and he was in custody for a period of 14 days. The learned PP strongly objected that the petitioner was involved in a case of robbery by threatening the defacto complainant and robbed Rs.200/- and the two wheeler from the defacto

complainant and he is also involved 10 cases previously out of which 3 cases are u/s 307 IPC and 5 cases are u/s 397 IPC and also 2 cases are u/s 379 IPC and he also involved in criminal case in Thirupur and Dindigul District. Considering the bad antecedent of the petitioner and also considering the strong objection by the prosecution, this court is not inclined to grant bail and this petition is dismissed accordingly.

6. In the result, this petition is dismissed.

Pronounced by me on the 29th day of May - 2020.

Sd.M. Balakumar

V Additional District Judge, Madurai

Principal District Judge, Madurai.(i/c)

Copy to

1. The Inspector of Police, Subramaniyapuram P.S., Madurai
2. The Judicial Magistrate concerned.
3. The petitioner through his counsel