

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

CrI.M.P.No. 2582/2020

Karuppaiah @ Podhar Karuppaiah S/o. Raja

-----petitioner/Accused

/ Vs /

State through the Inspector of Police,
Thideer Nagar P.S., Madurai in crime no.472/2020

... 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 R.John Jeyaseelan Jacop and Thiru.H.Manoj Kumar, 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 263, 353, 506(ii) of IPC 4(1-A) of TNP Act and 25(1A) of Indian Arms Act.

3. The learned counsel for the petitioner submitted in the petition that there are 3 accused and petitioner is A1 and he was remanded to custody for the above said alleged offences from 5.5.2020 and co accused granted bail in crmp no.2380/2020. No previous case is pending and he has not committed any offence as alleged by the prosecution and prays to grant bail to this petitioner with any stringent condition . Per contra the learned PP submitted in reply that the defacto complainant is the sub Inspector of police and during patrol along with other police officials intercepted the auto in which the petitioner came with possession of liquor bottles and on seeing the police he tried to escape by showing Long sword (Veecharuval) and threatened the police officials and he was arrested and the properties have been recovered. Co accused granted bail on 19.5.20 and six previous cases are pending in thideer nagar police station in crime no.3/16 u/s 307, 397 IPC and 30 petty cases and he also violated 110 crpc and sent to jail and strongly 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 petitioner and another 2 accused were arrested for possession of 180ml content liquor bottles 5 in nos and along with one Sword and stated that they have not indulged in any offence and also argued

that co accused were released on bail. The learned PP objected that in earlier bail petition the bail was refused for this petitioner alone for the reason that he is have several cases and violater of 110 crpc also. Hence strongly objected to release the accused on the ground that he is having cases u/s 307, 397 IPC. Considering the objection of the learned PP and the bad antecedents of the petitioner, 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, Thideernagar P.S., Madurai
2. The Judicial Magistrate concerned
3. The petitioner through his counsel
4. The Superintendent of Central Prison, Madurai