

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. 2584/2020

Prabhakaran

S/o. Perumal

-----petitioner/Accused No.2

/ Vs /

State through the Inspector of Police,
S.S.Colony P.S., Madurai in crime no.1226/2020

... 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 S.Rathinavel Pandian, 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 392, 397, 506(ii) IPC

3. The learned counsel for the petitioner submitted in the petition that the petitioner is A2 and he was remanded on 17.5.2020 for the above alleged offences and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution and he is ready to abide by the condition imposed by this court and prays to grant bail to this petitioner with any stringent condition. Per contra the learned PP submitted in reply that there are 3 accused and all the accused were arrested on 18.5.2020 because while the defacto complainant was selling Palm fruit, this petitioner and one raguraman got the aruval and kept in his neck and another accused Gowdam took cash of Rs.1450-00 from the defacto complainant and threatened with dire consequences and escaped from that place and hence case was registered the petitioner is in custody from 18.5.2020 and 3 previous cases are pending against the petitioner one is in SS colony ps crime no.48/19 which is a hurt case and two 75 cases have been registered 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 petitioner is A2 in the above case and the accused was remanded on 18.5.2020 and bail may be considered with any stringent condition. The learned PP argued that the accused already involved in another one case in crime no.48/2019 which is a hurt case and already he is a violater of 109 crpc and several petty cases also. Considering the bad

antecedents of the petitioner, the objection of the learned PP, 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, S.S.Colony P.S., Madurai
2. The Judicial Magistrate concerned
3. The petitioner through his counsel
4. The Superintendent of Central Prison, Madurai