

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.2592/2020

Mohammed Itris

S/o. Sakkaraimeer @ Sahul hamid

-----petitioner/Accused

/ Vs /

State through the Sub- Inspector of Police,
Perungudi P.S., Madurai in crime no.37/2020

... 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 A.S.Murugan 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 397, 506(ii) IPC

3. The learned counsel for the petitioner submitted in the petition that the petitioner was remanded to custody for the above said alleged offences from 29.2.2020. Earlier bail petition was dismissed by the lower court and he has not committed any offence as alleged by the prosecution he is in custody for more than 90 days he is having aged widow mother and charge sheet not yet filed and prays to grant bail to this petitioner. Per contra the learned PP submitted in reply that this petitioner along with co accused committed robbery of Rs.1500-00 and a cellphone and also threatened to ask Rs.1 one lakh from the defacto complainant and consequently case has been registered and the petitioner is in custody from 29.2.2020 and two previous cases are pending against the petitioner one at Perungudi p.s. and another case in Koodakovil p.s. in crime no.374/2020 u/s 397 IPC and objected to grant bail.

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

5. Considered the argument of both side. The learned counsel would argue that he is having aged widow mother and he is in custody for more than 90 days and he is aged about 24 years and bail may be considered. The learned PP objected to grant bail since the petitioner is having two previous cases which is of similar nature. Considering the period of incarceration for more than 90 days and he is mother is an aged widow and

also considering the young age of the petitioner, this court is inclined to grant bail to this petitioner.

6. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the Superintendent, Central Jail, Madurai. After a period of 4 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioner shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560. Accordingly, the petition is allowed.

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 Sub-Inspector of Police, Perungudi P.S., Madurai
2. The Judicial Magistrate concerned
3. The petitioner through his counsel
4. The Superintendent of Central Prison, Madurai