

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.2593/2020 and Cr.M.P.No.2595/2020

1. *Sakthivelu (A5) S/o. Boomiraj*
 2. *Pandiarajan (A6) S/o. Palpandi*
 3. *R.Saravan @ Vellai (A7) S/o. Rajendran*
 4. *Ashok Veeramani (A8) S/o. Jaishankar*
- ... *Petitioners/accused in crmp no.2593/2020*

Sathishraja @ Nandu (A1)
S/o. Ramachandran ----- *Petitioner/Accused in Crmp No.2595/2020*

/ Vs /

State through the Sub- Inspector of Police,
Avaniyapuram P.S., Madurai in crime no.963/2020
... Respondent/Complainant

These petitions 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.Selvaraj, Counsel for the petitioners in both the petitions and of Thiru M.Tamil Chelvan, Public Prosecutor for the State over conference call, this court passed the following

COMMON 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 applications u/s 439 of Cr.p.c.

2. The offences alleged are 147, 148, 341, 294(b), 323, 307, 324, 506(ii) IPC

3. The learned counsel for the petitioners submitted in the petition that the petitioners in Crmp No2593/2020 are arrayed as A5 to A8 and the petitioner in Crmp No.2595/2020 is arrayed as A1 and on the basis of false confession only these petitioners' name were impleaded upon their return from foreign for the reason of corona and they were not present in the place of occurrence and no specific overt act has been attributed against these petitioners and were remanded to custody for the above said alleged offences from 10.5.2020. Both parties are neighbours and no previous case is pending and they have not committed any offence as alleged by the prosecution and prays to grant bail to this petitioner. Per contra the learned PP submitted in reply that the totally 8 accused in this case already A4 moved anticipatory bail and it was dismissed in Crmp No.2551/2020 on 27.5.2020. Defacto complainant is the father of the injured. Out of the 8 accused some of them were arrested due to quarrel with regard to the robbing of Cell phone of defacto complainant's son by A1 and due to this, motive arose and hence A1 attacked the defacto complainant and his son with knife and consequently case has been registered and the petitioners are in custody from 10.5.2020; the injured discharged on 20.5.2020 after treatment of 11 days. As far as the petitioner in Crmp no.2595/2020 is

concerned he is the person inflicted head injury and he is having two previous cases pending in crime no.1266/13 u/s394 IPC and in crime no.120/13 u/s 395 IPC both are pending trial in Jaihindpuram p.s. and objected to grant bail.

4. Heard both side through Conference call.

5. Considered the argument of both side. The learned counsel would submit that both parties are neighbours and no previous case is pending and false case has been put up against A5 to A8 and bail may be considered. The learned PP strongly objected to grant bail since A1 caused head injury and the injured discharged only after treatment of 11 days and some of the accused are yet to be arrested and A1 is having previous cases. Considering the fact that A1 is already involved in previous cases and he caused head injury and also considering the fact that the release of other petitioners will also lead to complication and considering the objection that some of the accused are yet to be arrested, this court is not inclined to grant bail to these petitioners and these petitions are dismissed accordingly.

6. In the result, both the petitions are 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 Sub-Inspector of Police, Avaniyapuram P.S., Madurai
2. The Judicial Magistrate concerned
3. The petitioners through their counsel
4. The Superintendent of Central Prison, Madurai