

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 29<sup>th</sup> day of May 2020

**Crl.M.P.No.2594 /2020**

*Thirumurugan*

*S/o. Nagalingam*

*-----petitioner/ Sole Accused*

*/ Vs /*

State through the Sub- Inspector of Police,  
Teppakulam P.S., Madurai in crime no.687/2020

*... 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 V.Vishnu, 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 has not committed any offence as alleged by the prosecution and the petitioner and defacto complainant are strangers and he was not present in the scene of crime and he was falsely implicated in this case for statistical purpose and was remanded to custody for the above said alleged offences from 21.5.2020. No previous case is pending and prays to grant bail to this petitioner. Per contra the learned PP submitted in reply that on 21.5.2020 at about 8 a.m. while the defacto complainant came out from a public toilet, this petitioner intervened and demanded money to consume liquor and it was refused by the defacto complainant, the petitioner abused him and threatened with dire consequences and robbed a sum of Rs.300-00 from his shirt pocket and escaped from the place of occurrence and two previous cases are pending one is in avaniapuram ps cr.no.309/13 u/s 294(b), 323, 506(ii) IPC and another one is in Teppakulam p.s. in crime no.1071/17 u/s 302 and 307 IPC and considering the period of incarceration strongly objected to grant bail.

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

5. Considered the argument of both side. The learned counsel would argue that false case was put up against the accused and the version of the prosecution regarding the occurrence is unbelievable one since it was stated that the occurrence took place when the defacto complainant came out of the public toilet. During lock down period no public toilet is functioning, the

police took the petitioner and obtained his signature in blank papers and case has been registered. No person would not commit robbery of Rs.300-00 in the day time and bail may be considered. The learned PP strongly objected on the ground that the petitioner is having two previous cases namely one hurt case and one murder case in crime nos.309/13 and 1071/17 and further the petitioner is in custody only from 20.5.2020. Considering the fact that the accused is involved in murder case and though the learned counsel argued that public toilet was not functioning during curfew period, on that score alone the petitioner is not entitled for bail since all the public toilets are not having the locking facility and staff to administer the public toilets and also considering the objection of the learned PP and 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 Sub-Inspector of Police, Teppakulam P.S., Madurai
2. The Judicial Magistrate concerned
3. The petitioners through their counsel
4. The Superintendent of Central Prison, Madurai