

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.2600/2020**

1) Senthilkumar S/o Muniyandi

2) Raja S/o Muniyandi

-----petitioners/Accused

/ Vs /

State through the Inspector of Police,  
Perungudi P.S., Madurai in crime no.366/2020

... 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 V.Kishore 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. Anticipatory Bail application u/s 438 of Cr.p.c.
2. The offences alleged are 448, 294(b),324,506(ii) and 427 of I.P.C.,
3. The learned counsel for the petitioners submit that the petitioners are arrayed as A1 and A2 and they apprehend arrest by the police and they have been falsely implicated in this case. The defacto complainant is a police constable who misused his police influence and threatened the petitioners and false case has been foisted against them and prayed to grant anticipatory bail to these petitioners. Per contra the learned PP submitted in reply that the defacto complainant is a Gr.I constable at Oomachikulam police station and that on 16.5.2020 while he was coming in his bike at Airport Road, A1 dashed against the defacto complainant's bike and wordy quarrel arose and the public asembled there and convinced and thereafter on the next day at about 6.30 a.m. A1 along with co-accused came to defacto complainant's house and assaulted him by wooden stick and iron road and caused injury and threatened him with dire consequences and investigation is pending and objected to grant anticipatory bail.
4. **Heard both side through Conference call.**
5. Considered the argument of both side. The counsel for the petitioner submitted that the defacto complainant is a Grade I Police Constable at Oomachikulam P.S. used to create problem where ever he goes and further he argued that on the date of occurrence, then he returned from Airport to his home, dashed with the two wheeler of the accused and there was a wordy quarrel between them and subsequently using his official capacity

this false case has been filed against A1 and A2. The learned PP argued that in furtherance of the previous occurrence they gathered along with some other and went to the defacto complainant's house and attacked them in a cruel manner hence strongly objected to release the accused. The petitioner cannot seek bail on the personal character of the defacto complainant. The petitioner is entitled to bail only if he established his case. Under this circumstances considering the strong objection of the PP this Court is not inclined to grant bail to the petitioners and hence 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, Perungudi P.S., Madurai.
2. The Judicial Magistrate concerned.
3. The petitioners through their counsel