

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.2601/2020

M. Viji (A2) S/o Mayandi

-----petitioner/Accused

/ Vs /

State through the Inspector of Police,
Sellur P.S., Madurai in crime no.1222/2020

... 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 I. Seeman Mohaideen 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 341, 294(b),323,307,506(ii) of I.P.C

3. The learned counsel for the petitioner submit that the petitioner is arrayed as A2 and he has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case and he apprehend arrest by the police and prayed to grant anticipatory bail to him. Per contra, the learned PP submitted in reply that there are 3 accused in this case the petitioner is arrayed as A2 and due to gathering of people in the defacto complainant's area wordy quarrel arose with A1 and that on 18.5.2020 at about 8 p.m. A1 abused in filthy language and assaulted the defacto complainant with knife and screw driver and caused injuries and escaped from that place and also threatened the public who came for rescue and investigation is pending and strongly objected to grant anticipatory bail to him.

4. Heard both side through Conference call.

5. Considered the argument of both side. The petitioner counsel submitted that there is no specific overtact against this accused and this petitioner was relative of A2 and co-accused A5 and A7 are arrested and any stringent condition may be imposed. However the learned PP strongly objected to release the accused on anticipatory bail stating that this accused has specific overtact as such the averments of the FIR itself clearly pointed out that this petitioner attacked with screw driver on the head of the defacto complainant. Hence considering the strong objection of the learned PP and

the bad antecedent of the petitioner this Court is not inclined to grant anticipatory 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, Sellur P.S., Madurai.
2. The Judicial Magistrate concerned
3. The petitioner through his counsel