

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.2609/2020

1. Nagaraj
S/o. Karuppiyah
2. Karupayee
W/o. Karppaiah
3. Rajamani,
S/o. Karppaiah

-----petitioners/Accused

/ Vs /

State through the Sub Inspector of Police,
Peraiyur, Madurai in crime no. 1128/2020

... 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 P.Jeyamani Counsel for the petitioners 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 452, 294(b), 323, 355, 506(i) of IPC and 4 of TNWHA Act r/w. 109 of IPC
3. The learned counsel for the petitioner submit that the petitioners are sons and mother and they have been falsely implicated in this case and they apprehend arrest by the police due to family dispute case has been registered against them and prayed to grant anticipatory bail to them. Per contra, the learned PP submitted in reply that the petitioners are sons and mother and the defacto complainant sustained injury on ear and nose and she was beaten with broom stick and however she was discharged from the hospital and objected to grant anticipatory bail to them.
4. **Heard both side through Conference call.**
5. Considered the argument of both side. The counsel for the petitioner would submit that the 1st and the 2nd petitioners are the son and mother and there is a family dispute between the defacto complainant and the petitioners and only to threaten the petitioners this false case was foisted against them. Per contra the learned PP argued that the defacto complainant sustained injury on ear and nose and she was beaten with broom stick and however she was discharged from the hospital. Considering

the fact the injured was discharged and also considering the fact it is a family dispute between the family of the defacto complainant and the accused these petitioners are granted anticipatory bail on condition.

6. In the result, in the event of arrest or on their surrender before the Court concerned within 4 weeks the Petitioners are ordered to be enlarged on anticipatory bail on their executing own bond for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) The petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioners shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) 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 Inspector of Police, Peraiyur P.S.
2. The Judicial Magistrate concerned.
3. The petitioners through their counsel.