

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. 2615/2020

1. *Rameshwari, W/o. Kalaiarasan*
2. *Parasakthi W/o. Alexpandi*

-----petitioners/Accused

/ Vs /

State through the Inspector of Police,
Vallanthur P.S., Madurai in crime no.307/2020

... 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 O.D.Rajkumar 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 294(b), 324, and 506(ii) IPC
3. The learned counsel for the petitioners submit that they are A1 and A2 due to election motive case has been registered and they apprehend arrest by the police, injured has been discharged from the hospital and prays to grant anticipatory bail to them. Per contra, the learned PP objected that there are 2 accused in this case and due to wordy quarrel in election motive case has been registered and the injured has been discharged from the hospital on the same day and strongly objected to grant anticipatory bail.
4. **Heard both side through Conference call.**
5. Considered the argument of both side. The counsel for the petitioners would submit that both petitioners are women and there is a wordy quarrel between defacto complainant and the accused and also argued that no injury was caused to anyone. Further, he argued that no one was hospitalised due to this occurrence hence anticipatory bail may be considered. The learned PP would submit that the injured was discharged from hospital on the same day and strongly objected to grant anticipatory bail. Considering the fact that the injured was discharged from the hospital on the same day itself, further considering that the occurrence emerged from a simple wordy quarell, this Court is inclined to grant anticipatory bail to the petitioners.

6. In the result, in the event of arrest or on their surrender before the Judicial Magistrate 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, Vallanthur P.S., Madurai.
2. The Judicial Magistrate concerned.
3. The petitioners through their counsel.